

By Mr. VINSON of Kentucky: A bill (H. R. 12800) to regulate interstate commerce in bituminous coal, and for other purposes; to the Committee on Ways and Means.

By Mr. BLANTON: Joint resolution (H. J. Res. 592) making appropriations for support of the government of the District of Columbia for the fiscal year ending June 30, 1937, and for other purposes; to the Committee on Appropriations.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY of Maryland: A bill (H. R. 12788) for the relief of sundry claimants, and for other purposes; to the Committee on Claims.

By Mr. AYERS: A bill (H. R. 12801) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Waterton Oil, Land & Power Co., of Butte, Mont., against the United States; to the Committee on the Public Lands.

By Mr. CARMICHAEL: A bill (H. R. 12802) for the relief of Edna Lee Fuqua and Vernedia Eggleston Fuqua; to the Committee on Claims.

Also, a bill (H. R. 12803) for the relief of Howard Fuqua; to the Committee on Claims.

Also, a bill (H. R. 12804) for the relief of the estates of Cleoney Fuqua and Miles Moore; to the Committee on Claims.

By Mr. CELLER: A bill (H. R. 12805) for the relief of the Nafra Co., Inc., and to confer jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of the Nafra Co., Inc., against the United States; to the Committee on Claims.

By Mr. GINGERY: A bill (H. R. 12806) for the relief of James P. McDonnell; to the Committee on Naval Affairs.

Also, a bill (H. R. 12807) for the relief of Walter Francis Meinhart; to the Committee on Naval Affairs.

By Mr. LEE of Oklahoma: A bill (H. R. 12808) for the relief of William E. Burch; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 12809) granting a pension to Willie D. Nelson; to the Committee on Invalid Pensions.

By Mr. SCHULTE: A bill (H. R. 12810) granting a pension to Simon R. Ditzler; to the Committee on Pensions.

By Mr. SMITH of West Virginia: A bill (H. R. 12811) for the relief of the Kanawha Valley Coal Co.; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12812) granting an increase of pension to Mary Catherine Green; to the Committee on Invalid Pensions.

By Mr. TONRY: A bill (H. R. 12813) for the relief of Georg Ferdinand Erich Emmrich, also known as Richard Shultz; to the Committee on Immigration and Naturalization.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10919. By Mr. DE ROUEN: Petition of Bayou Plaquemine Gravity Drainage District No. 12, of St. Landry Parish, La., urging the favorable consideration by the House of Senate bill 630; to the Committee on Agriculture.

10920. By Mr. DARROW: Petition of the Philadelphia Board of Trade, protesting against the enactment of the Healey bill (H. R. 11554); to the Committee on the Judiciary.

10921. Also, petition of the Philadelphia Board of Trade, protesting against the enactment of House bill 12395, the revenue bill; to the Committee on Ways and Means.

10922. By Mr. JOHNSON of Texas: Petition of Mamie Cerf; Joe Jolesch; Charles S. Cook; F. B. Vrla; J. W. Tolleson, president, the Citizens National Bank, of Ennis; E. C. Hawkins, vice president of Ennis State Bank; W. F. Templeton; and Ernest L. Raphael, all of Ennis, Tex., favoring Senate Joint Resolution 205, by Mr. SMITH; to the Committee on Agriculture.

10923. Also, petition of Mrs. G. L. Austin, Mrs. Roy Brown, Mrs. S. N. Brown, Mrs. J. M. Thompson, W. C. Norris, J. B. Adkins, and a large number of other citizens, all of Navarro County, Tex., favoring House bill 7122; to the Committee on Pensions.

10924. By Mr. PETERSON of Georgia: Petition of H. H. Warner, 1505 Washington Street; J. F. Inglesby, 404 East Park Avenue; and other railroad employees, of Savannah, Ga., protesting against taxes authorized by House bill 8651, known as Railroad Retirement Act of 1935, and House bill 8652, known as "An act to levy excise tax upon carriers and income tax upon their employees"; to the Committee on Ways and Means.

10925. By Mr. SCOTT: Petition of the Democratic Educational Group (a club of 800 members), requesting the Committee on Post Offices and Post Roads in the United States Senate to strongly urge the next Congress to enact a law providing for a 30-hour week for all postal and other Federal employees; to the Committee on the Post Office and Post Roads.

10926. Also, petition of the Federation of Citizens' Associations, Central Labor Union (representing organized labor in the District of Columbia), and the Southwest Citizens' Association, endorsing the Scott resolution, No. 486, and petitioning the Speaker to appoint a committee of five select Members to investigate fatalities and injuries in the District of Columbia, to inquire into elevator accidents, set standard qualifications for elevator inspection, investigate office of building inspector, examine plan to establish self-supporting elevator-inspection department, to determine whether or not investigation of accidents conducted by building inspectors have a tendency to excuse improper performance of duty, to report to the House the results of its investigations, that congressional committees of investigation be requested to make special study of antiquated elevators in District Building; to the Committee on the District of Columbia.

10927. By Mr. SMITH of West Virginia: Petition of citizens of Raleigh County, W. Va., urging the enactment of pending antilynch legislation; to the Committee on the Judiciary.

10928. By Mr. SUTPHIN: Petition of the Board of Commissioners of the City of New Brunswick, N. J., that the United States Senate enact the United States Housing Act of 1936, being Senate bill No. 4424, introduced by Senator ROBERT F. WAGNER, and that the House of Representatives enact the identical measure introduced in the House by Congressman HENRY ELLENBOGEN and being House bill 12164; to the Committee on Appropriations.

10929. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, favoring the permanency of the Civilian Conservation Corps; to the Committee on Appropriations.

10930. Also, petition of the General Court of Massachusetts, relative to affording the privilege of entry into this country to those persons who are being persecuted and discriminated against in Germany; to the Committee on Foreign Affairs.

10931. By the SPEAKER: Petition of the Boonville Press Club, Boonville, Ind.; to the Committee on the Library.

10932. Also, petition of the city of New Brunswick, N. J.; to the Committee on Banking and Currency.

## SENATE

THURSDAY, MAY 21, 1936

(Legislative day of Tuesday, May 12, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

#### THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, May 20, 1936, was dispensed with, and the Journal was approved.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9185) to insure the collection of the revenue on intoxicating liquor, to provide for the more efficient and economical administration and enforcement of the laws relating to the taxation of intoxicating liquor, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SAMUEL B. HILL, Mr. CULLEN, Mr. BUCK, Mr. TREADWAY, and Mr. CROWTHER were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 1, 7, 31, 32, 33, 35, 39, 50, 52, 56, and 83 to the bill, and concurred therein; that the House had receded from its disagreement to amendments of the Senate numbered 46 and 87 and concurred therein, each with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 24, 53, and 54 to the bill.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11792. An act declaring Bayou St. John, in the city of New Orleans, La., a nonnavigable stream; and

H. R. 12799. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundred and fiftieth anniversary of Sir Walter Raleigh's colony on Roanoke Island, N. C., known in history as the Lost Colony, and the birth of Virginia Dare, the first child of English parentage to be borne on the American Continent, and her baptism.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 560. An act for the relief of the Western Electric Co., Inc.;

S. 760. An act for the relief of Harry P. Hollidge;

S. 952. An act for the relief of Zelma Halverson;

S. 1186. An act for the relief of Frank P. Ross;

S. 1328. An act for the relief of the Snare & Triest Co., now Frederick Snare Corporation;

S. 1431. An act for the relief of the Collier Manufacturing Co., of Barnesville, Ga.;

S. 1490. An act for the relief of Earl A. Ross;

S. 2520. An act for the relief of T. D. Randall & Co.;

S. 2734. An act to confer jurisdiction upon the United States Court of Claims to hear and determine the claims of Henry W. Bibus, Annie Ulrich, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania;

S. 4317. An act to authorize the Secretary of War to grant to the city of Buffalo, N. Y., the right and privilege to occupy and use for sewage-disposal facilities part of the lands forming the pier and dikes of the Black Rock Harbor improvement at Buffalo, N. Y.; and

S. 4594. An act to supplement the act of June 25, 1929 (ch. 41, 46 Stat. L. 41), which authorized and directed the Attorney General to institute suit against the Northern Pacific Railway Co. and others.

## CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.  
The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	O'Mahoney
Ashurst	Clark	Holt	Overton
Austin	Connally	Johnson	Pittman
Bachman	Coolidge	Keyes	Pope
Bailey	Copeland	King	Robinson
Barbour	Couzens	La Follette	Russell
Barkley	Davis	Logan	Schwellenbach
Benson	Dieterich	Loneragan	Sheppard
Bilbo	Donahey	Long	Shipstead
Black	Duffy	McAdoo	Smith
Bone	Fletcher	McGill	Steiwer
Borah	Frazier	McNary	Thomas, Okla.
Brown	George	Maloney	Truman
Bulkley	Gerry	Metcalf	Vandenberg
Bulow	Gibson	Minton	Van Nuys
Burke	Glass	Moore	Wagner
Byrd	Guffey	Murphy	Walsh
Byrnes	Hale	Murray	Wheeler
Capper	Harrison	Neely	White
Caraway	Hastings	Norris	
Carey	Hatch	Nye	

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], the Senator from Nevada [Mr. McCARRAN] are absent because of illness; that the Senator from Oklahoma [Mr. GORE], the Senator from Tennessee [Mr. McKELLAR], the junior Senator from Maryland [Mr. RADCLIFFE], the senior Senator from Maryland [Mr. TYDINGS], the Senator from Illinois [Mr. LEWIS], and the Senator from Utah [Mr. THOMAS] are necessarily detained, and that the Senator from North Carolina [Mr. REYNOLDS] is absent because of a death in his family.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] and the Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

## SUPPLEMENTAL ESTIMATE, RURAL ELECTRIFICATION ADMINISTRATION (S. DOC. NO. 241)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Rural Electrification Administration for the fiscal year 1937, amounting to \$1,450,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

## PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Boonville (Ind.) Press Club, favoring fitting recognition of the work of William Fortune by the placing of a tablet inscribed with his name and accomplishment in furtherance of the cause of the erection of a memorial at Vincennes, Ind., to George Rogers Clark, conqueror of the Northwest, which were referred to the Committee on the Library.

Mr. COPELAND presented resolutions adopted by students of the school of business of the College of the City of New York, N. Y., favoring the enactment of the so-called national youth bill, which was referred to the Committee on Education and Labor.

He also presented the petition of Local Union No. 181, International Brotherhood of Electrical Workers, of Utica, N. Y., praying for the enactment of the so-called Wagner-Ellenbogen low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented the petition of sundry citizens, being members of the Employees Association of the United States Immigration and Naturalization Service, of Niagara Falls, N. Y., praying for the enactment of the bill (H. R. 12244) to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Saratoga County, N. Y., local of the Socialist Party of the United States, favoring the holding of public hearings and the re-



porting to the Senate of the so-called Benson resolution, being the joint resolution (S. J. Res. 249) proposing an amendment to the Constitution of the United States designating farmers' and workers' rights, which was referred to the Committee on the Judiciary.

#### ENDORSEMENT OF PRESIDENT ROOSEVELT

Mr. BYRNES. Mr. President, I ask unanimous consent to have printed in the RECORD and to lie on the table a resolution adopted yesterday by the South Carolina convention of the Democratic Party, endorsing President Roosevelt for renomination and reelection. This resolution, presented by Delegate C. C. Wyche, of Greenville, S. C., was adopted unanimously by a standing vote.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas on March 3, 1933, when President Franklin D. Roosevelt was inaugurated as President of the United States, he found the Republican Party had so administered the affairs of government that fear gripped the hearts of the American people and despair was written upon their faces; business, big and little, was in economic chaos; banking institutions were insolvent and men were frantic in their efforts to convert currency into gold; millions of honest men had been thrown out of employment and were walking the streets inadequately clothed and hungry; farms of the American farmer and homes of American workmen were being sold under foreclosures; cotton was being sold at 5 cents per pound and other farm products below the cost of production; old age faced want and poverty with no ray of hope; and Government was being operated and controlled for the benefit of the privileged few and without thought of consideration for the hopes, longings, and aspirations of the American people as a whole; and

Whereas under the wise and capable leadership of President Franklin D. Roosevelt since his inauguration, fear has been driven from the hearts of men and faith and hope restored; business has again begun to prosper; the banks are overflowing with money and men make their deposits with confidence and no longer question the currency of the United States; the farms of the American farmer and the homes of the American workman have been saved from foreclosure and sale; the price of cotton has been increased from 5 cents per pound to 11 and 12 cents per pound, and other agricultural products are being sold at a more reasonable figure; the naked have been clothed, the hungry fed, and old age once again faces the future with more hope than dread; the doors of opportunity are being once again opened to youth, ambition, and energy to all those who are willing to work; the whole American people look forward to the future with confidence, optimism, and cheerfulness, and with the knowledge that the Government of the United States shall, under the continued leadership of the Democratic Party, be administered so that the American citizen shall be forever freed from economic slavery and shall enjoy the freedom guaranteed to him under the Constitution of the United States: Now, therefore, be it

*Resolved by the Democratic State convention of South Carolina, That President Franklin D. Roosevelt be, and he is hereby, endorsed for renomination as the nominee of the Democratic Party and for reelection as President of the United States; be it further*

*Resolved, That the delegates elected by this convention to the Democratic National Convention be, and they are hereby, instructed and directed to support the nomination of Franklin D. Roosevelt as the nominee of the Democratic Party for President of the United States.*

#### REPORTS OF COMMITTEES

Mr. BURKE, from the Committee on the Judiciary, to which was referred the bill (S. 2550) to incorporate the American National Institute (Prix de Paris) at Paris, France, reported it without amendment and submitted a report (No. 2062) thereon.

Mr. VAN NUYS, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 187) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, reported it with amendments and submitted a report (No. 2065) thereon.

Mr. STEIWER, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9483) to extend the provisions of the Forest Exchange Act, as amended, to certain lands so that they may become part of the Umatilla and Whitman National Forests, reported it without amendment and submitted a report (No. 2063) thereon.

Mr. MURRAY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3869) to authorize payment to the Indians of the Fort Peck Reservation of the

amounts due on certain delinquent homestead entries, reported it with amendments and submitted a report (No. 2064) thereon.

Mr. O'MAHONEY, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9183) to provide for the extension of the boundaries of the Hot Springs National Park in the State of Arkansas, and for other purposes, reported it with an amendment and submitted a report (No. 2075) thereon.

Mr. ADAMS, from the Committee on Banking and Currency, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4394. A bill to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam (Rept. No. 2066); and

H. R. 11688. A bill providing for a change in the design of the 50-cent pieces authorized to be coined in commemoration of the one hundredth anniversary of the admission of the State of Arkansas into the Union (Rept. No. 2067).

Mr. ADAMS also, from the Committee on Banking and Currency, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 4464. A bill to authorize the coinage of 50-cent pieces in celebration of the opening of the San Francisco-Oakland Bay Bridge (Rept. No. 2068);

S. 4608. A bill to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of York County, Maine (Rept. No. 2069);

H. R. 7690. A bill to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y. (Rept. No. 2070);

H. R. 8234. A bill to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the founding of the city of Elgin, Ill., and the erection of a heroic pioneer memorial (Rept. No. 2071); and

H. R. 11533. A bill to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Gettysburg (Rept. No. 2072).

Mr. OVERTON, from the Committee on Commerce, to which was referred the bill (S. 4538) providing for an examination and survey for a deep-water channel from New Iberia, parish of Iberia, La., to the Gulf of Mexico, reported it with an amendment and submitted a report (No. 2073) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 262) granting the consent of Congress to the States of New York and Vermont to enter into an agreement amending the agreement between such States consented to by Congress in Public Resolution No. 9, Seventieth Congress, relating to the creation of the Lake Champlain Bridge Commission, reported it without amendment and submitted a report (No. 2074) thereon.

He also, from the same committee, to which was referred the bill (S. 4037) to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes, reported it with amendments and submitted a report (No. 2076) thereon.

#### ARRANGEMENT FOR INAUGURATION OF PRESIDENT AND VICE PRESIDENT

Mr. NEELY. Mr. President, from the Committee on Rules I report favorably, without amendment, Senate Concurrent Resolution No. 38, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The legislative clerk read the concurrent resolution (S. Con. Res. 38), as follows:

*Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the*

Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 20th day of January next.

Mr. McNARY. Mr. President, I desire to ask a question of the Senator. Has it been the practice to propose a concurrent resolution of this kind so far in advance of the inauguration?

Mr. NEELY. Mr. President, the resolution has been offered earlier than usual because of the fact that under existing law the inauguration will be held about 6 weeks before the 4th of March, the date on which the inaugural ceremony was previously performed.

Mr. McNARY. Mr. President, is the concurrent resolution in the form which has been followed in years past?

Mr. NEELY. It is.

Mr. McNARY. Has the resolution been unanimously reported by the committee?

Mr. NEELY. The Committee on Rules has unanimously approved the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

#### PRINTING REVISED EDITION OF SENATE RULES AND MANUAL

Mr. NEELY, from the Committee on Rules, reported a resolution (S. Res. 303), which was referred to the Committee on Printing, as follows:

*Resolved*, That the Committee on Rules be, and is hereby, directed to prepare a revised edition of the Senate Rules and Manual for the use of the Seventy-fifth Congress, and that 1,700 additional copies shall be printed and bound, of which 1,200 copies shall be for the Senate, 200 copies for the use of the Committee on Rules, and the remaining 300 copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

#### ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On May 19, 1936:

S. 3483. An act to provide for rural electrification, and for other purposes.

On May 21, 1936:

S. 560. An act for the relief of the Western Electric Co., Inc.;

S. 760. An act for the relief of Harry P. Hollidge;

S. 952. An act for the relief of Zelma Halverson;

S. 1186. An act for the relief of Frank P. Ross;

S. 1328. An act for the relief of the Snare & Triest Co., now Frederick Snare Corporation;

S. 1431. An act for the relief of the Collier Manufacturing Co., of Barnesville, Ga.;

S. 1490. An act for the relief of Earl A. Ross;

S. 2520. An act for the relief of T. D. Randall & Co.;

S. 2734. An act to confer jurisdiction upon the United States Court of Claims to hear and determine the claims of Henry W. Bibus, Annie Ulrich, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania;

S. 4317. An act to authorize the Secretary of War to grant to the city of Buffalo, N. Y., the right and privilege to occupy and use for sewage-disposal facilities part of the lands forming the pier and dikes of the Black Rock Harbor improvement at Buffalo, N. Y.; and

S. 4594. An act to supplement the act of June 25, 1929 (ch. 41, 46 Stat. L. 41), which authorized and directed the Attorney General to institute suit against the Northern Pacific Railway Co. and others.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 4671) to amend the act approved February 1, 1928, concerning actions on account of death or personal

injury within places under exclusive jurisdiction of the United States; to the Committee on Education and Labor.

By Mr. CAPPER:

A bill (S. 4672) granting a pension to Hattie Amelia Hunt (with accompanying papers); to the Committee on Pensions.

By Mr. VAN NUYS:

A bill (S. 4674) for the relief of Peter S. Kaminski; to the Committee on Military Affairs.

Mrs. LONG. Mr. President, I ask consent to introduce two bills, one to authorize production credit associations to make loans to fur trappers, the other declaring Bayou St. John, in the city of New Orleans, a nonnavigable stream. I request that the bills be referred to the appropriate committees.

The VICE PRESIDENT. Without objection, the bills will be received and appropriately referred.

By Mrs. LONG:

A bill (S. 4675) to authorize production credit associations to make loans to fur trappers; to the Committee on Banking and Currency.

A bill (S. 4676) declaring Bayou St. John, in the city of New Orleans, La., a nonnavigable stream; to the Committee on Commerce.

#### INSTRUCTION AND INFORMATION RELATIVE TO CRIME CONTROL

Mr. ASHURST. At the request of the Attorney General, I ask consent to introduce for appropriate reference a bill on the subject of crime control. I also request that the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, the bill will be received, printed in the RECORD, and referred to the Judiciary Committee.

The bill (S. 4673) to authorize the Attorney General to provide instruction and information on the subject of crime control was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*, That authority is hereby given to the Attorney General of the United States to provide instruction and information in methods of cooperation between the Department of Justice of the United States and the law enforcement agencies of the several States, the subdivisions and municipalities thereof and to provide for the collection and dissemination of information on the subject of crime prevention and control.

SEC. 2. There is hereby authorized to be appropriated from the Treasury of the United States such amount as may be necessary to carry out the provisions hereinabove set forth.

#### HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 11792. An act declaring Bayou St. John, in the city of New Orleans, La., a nonnavigable stream; to the Committee on Commerce.

H. R. 12799. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundred and fiftieth anniversary of Sir Walter Raleigh's colony on Roanoke Island, N. C., known in history as the Lost Colony, and the birth of Virginia Dare, the first child of English parentage to be born on the American Continent, and her baptism; to the Committee on Banking and Currency.

#### ADMISSIBILITY IN EVIDENCE OF CERTAIN WRITINGS AND RECORDS—AMENDMENT

Mr. BURKE submitted an amendment intended to be proposed by him, for the Committee on the Judiciary, to the bill (H. R. 11690) relating to the admissibility in evidence of certain writings and records made in the regular course of business, which was ordered to lie on the table and to be printed.

#### AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL

Mr. HAYDEN (for Mr. McCARRAN) submitted an amendment intended to be proposed by Mr. McCARRAN to House bill 12624, the first deficiency appropriation bill, 1936, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 61, after line 5, to insert:

"Naval ammunition depot, Hawthorne, Nev.: For the construction of smokeless-powder magazines and accessories, \$760,000; for the construction of high-explosive magazines and accessories, \$196,000; for the construction of projectile magazines and accessories, \$370,000; for the expansion of officers' quarters, \$40,000; in all, \$1,366,000."



## BITUMINOUS-COAL INDUSTRY

Mr. DAVIS. Mr. President, I understand that a contract of cooperation between the bituminous-coal miners and operators has been signed for another year, and I trust that this will serve as a basis of security in this industry. The highly competitive nature of the bituminous-coal industry requires stabilization. If legislation is to be used to overcome cutthroat competition, it must be based on the best thought of coal miners and operators. Past experience has taught us that price cutting leads to wage cutting. I have seen wages sink from \$7.50 a day to less than \$2.50, and, even so, the employment was irregular. Voluntary agreements between coal miners and operators as to wage scales through collective bargaining should point the way to an effective solution of this problem. Voluntary agreements seem to work satisfactorily in the anthracite industry. A similar program is needed for the bituminous-coal industry which fierce competition had reduced to chaos. Strikes and stoppage of work should be avoided and every effort be made to build up purchasing power in the hands of the mine workers.

Mr. President, so many requests have come to me for copies of the Supreme Court decision on the Bituminous Coal Conservation Act that I ask that a thousand additional copies be printed for distribution as a Senate document. The cost will be small, owing to the fact that the material is already set up.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. DAVIS. I yield.

Mr. NORRIS. Does the request of the Senator include the printing of the dissenting opinion as well as the majority opinion?

Mr. DAVIS. Yes. A request for printing the opinions has already heretofore been granted, and I am now merely asking that a thousand additional copies be printed.

Mr. NORRIS. Including both the majority and the minority opinions?

Mr. DAVIS. Yes; the full decision of the Court.

Mr. NORRIS. Very well, I have no objection.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Pennsylvania is granted.

C. O. MEYER

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 537) for the relief of C. O. Meyer, which was, on page 1, line 6, after "\$297.86", to insert "in full settlement of all claims against the Government of the United States."

Mr. BYRNES. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## ALLOWANCES TO EMPLOYEES AFFECTED BY RAILROAD CONSOLIDATIONS

Mr. WHEELER. I ask unanimous consent to have printed in the RECORD a statement authorized to be issued by George M. Harrison, chairman of the Railway Labor Executive Association, and H. A. Enochs, chief of personnel, Pennsylvania Railroad, and chairman of the committee representing railroad managements. The statement has reference to an agreement reached between the railroads and the railroad brotherhoods concerning the dismissal of employees in the event of consolidations. It is one of the most forward-looking and epoch-making agreements negotiated in a long period of time between capital, on the one hand, and labor on the other.

Mr. COUZENS. May I ask if the signing of that agreement disposes of the bill which we have pending before the Committee on Interstate Commerce?

Mr. WHEELER. The signing of the agreement disposes of the bill we have pending before the Committee on Interstate Commerce and upon which we have had hearings, which were postponed in order that the railroads and brotherhoods might get together in order to effect an agreement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MAY 21, 1936.

The following statement is authorized by George M. Harrison, chairman of the Railway Labor Executives Association, and H. A. Enochs, chief of personnel, Pennsylvania R. R., and chairman of the committee representing railroad managements:

After months of negotiations an agreement was concluded and signed today by representatives of the railway labor unions and the railroad managements concerning allowances to employees affected by the joint action of two or more carriers with respect to unification, consolidation, merger, or pool, in part or in whole, through separate railroad facilities or any of the operations or services previously performed by them through such separate facilities.

The agreement, however, specifically provides that it does not apply to "rises and falls and changes in volume or character of employment brought about solely by other causes."

The agreement is for a period of 5 years beginning on June 18, 1936, and does away with the necessity for the enactment of the Wheeler-Crosser bill which would restrict reductions in railroad employment and which is now pending before congressional committees in the Senate and House of Representatives.

Each carrier contemplating a coordination, the agreement provides, shall give at least 90 days' written notice to the employees affected, such notice must contain a full and adequate statement of the proposed changes to be effected by such coordination, including an estimate of the number of employees of each class affected by the intended changes. Within 10 days of receipt of such notice, arrangements must be made for a conference between representatives of the employees and the railroads interested in such changes, and the conference must begin within 30 days from the date of such notice. The agreement sets up machinery for adjusting any disputes which may arise between the employees and the carriers on matters pertaining to coordination resulting in the displacement of employees.

Three provisions for financial allowances to employees affected by coordinations are provided under the agreement as follows:

1. When an employee affected by a particular coordination is placed in a position paying less monthly salary than previously received by him, then the difference must be paid by the carrier for not to exceed 5 years or until, through promotions or otherwise, the employee received a salary equal to or greater than that received prior to the coordination.

2. Any employee of the carriers deprived of employment as the result of a coordination is to receive a "coordination allowance" based on length of service which, except in the case of an employee with less than 1 year's service, shall be a monthly allowance equivalent in each instance to 60 percent of the average monthly compensation of that employee for the 12 months prior to the coordination as follows:

Length of service:	Period of payment	Months
1 year and less than 2 years.....		6
2 years and less than 3 years.....		12
3 years and less than 5 years.....		18
5 years and less than 10 years.....		36
10 years and less than 15 years.....		48
15 years and over.....		60

An employee with less than 1 year of service will receive a coordination allowance in a lump-sum payment equivalent to 60 days' pay.

3. Any employee eligible to the benefits and protections of this agreement may, at his option at the time of coordination, resign and in lieu of all other benefits and protections provided in the agreement accept in a lump sum a "separation allowance" determined in accordance with the following schedule:

Length of service:	Separation allowance	Months' pay
1 year and less than 2 years.....		3
2 years and less than 3 years.....		6
3 years and less than 5 years.....		9
5 years and less than 10 years.....		12
10 years and less than 15 years.....		12
15 years and over.....		12

Employees with less than 1 year's service would receive 5 days' pay at the rate of the position last occupied for each month in which they worked.

The agreement also provides for the reimbursement for expenses and certain losses suffered by employees who, because of coordinations, are required to change their place of residence. Under this provision such employee would be reimbursed for all expenses of moving his household and other personal effects and for the traveling expenses of himself and members of his family, including living expenses during the time necessary for such transfer and for a reasonable time thereafter not to exceed 2 working days, used in securing a place of residence in his new location. Any employee furloughed within 3 years after having been transferred, would also be reimbursed for expenses, if he elects to move his place of residence back to his original place of employment.

The agreement further provides that an employee who is compelled to change his point of employment is to be reimbursed, at his option, for any loss suffered in the sale of his home for less



than its fair value. The carrier also must protect an employee against loss to the extent of a fair value of any equity he may have because of a contract to purchase a home or for any loss resulting from an unexpired lease of a dwelling occupied by him as a home. The agreement provides that no claim for loss shall be paid which is not presented within 3 years after the effective date of a coordination. The agreement also sets up machinery for determining what shall be determined as a fair loss due to the above causes.

In respect to proposed coordination between railroads which are parties to this agreement and those which have not participated in it, the agreement provides:

"The provisions of this agreement shall be effective and shall be applied whenever two or more carriers parties hereto undertake a coordination; and it is understood that if a carrier or carriers parties hereto undertake a coordination with a carrier or carriers not parties hereto, such a coordination will be made only upon the basis of an agreement approved by all of the carriers parties thereto and all of the organizations of employees involved (parties hereto) of all of the carriers concerned. No coordination involving classes of employees not represented by any of the organizations parties hereto shall be undertaken by the carriers parties hereto except in accord with the provisions of this agreement or agreements arising thereunder."

#### COOPERATION INSTEAD OF DESTRUCTIVE CRITICISM—ADDRESS BY SENATOR MURRAY

Mr. ASHURST. Mr. President, last Monday evening I heard over the radio an address delivered by the junior Senator from Montana [Mr. MURRAY], wherein he discussed vital subjects in so well considered a manner that I asked him for a copy of the speech. I request that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The purpose of government is not merely to protect the life and property of citizens, nor is its main object merely to aid and encourage the development of vast industrial and business enterprises, increasing the wealth and power of a nation. To be an enlightened, progressive government, it must also give consideration to the moral, social, and human problems that directly affect the lives, the happiness, and the security of its people.

In consonance with this philosophy our Government for the past 3 years has been engaged in an effort to correct the evils which have developed in our country due to our failure to give heed to correct principles of economics and social justice. Many wrongs have been redressed, and the widespread distress among our citizens has been largely relieved, yet much remains to be accomplished in order to correct the unbalanced economic conditions under which our country has been laboring.

As my time is limited, it will not be possible to review in detail the results which have been accomplished. In general, the administration has secured the enactment of legislation for the social and economic betterment and security of all the people, farmers, workers, businessmen, women, and youth of the country. It has sought by every means to raise the standards and living conditions of workers and place them on an equal footing in bargaining power with organized industry, and is seeking in every way possible to protect the people from exploitation, restore prosperity, and provide a more widespread and fairer distribution of the earnings of industry. It is sought in every way to give the common man a square deal and drive out of our economic life the wrongs and evils which contributed to bringing on the depression.

This is a partial statement of the social and economic progress which we have been making and by which the administration is raising millions of our citizens out of the depths of confusion and despair and restoring them to productive activities. The Nation can feel proud that we have had a President at the head of our Government who has honestly sought and is still seeking in every way to place the common welfare of the ordinary citizen above the interests of individuals or groups. The philosophy that sound government must concern itself with human rights above property rights has never been more ably and effectively applied than during this first term of President Franklin D. Roosevelt.

But now, as signs of prosperity multiply on every hand and the elections are approaching, a bitter antagonism against the Roosevelt administration has developed. It seems to raise its hydra-headed form like some nemesis intent on evil to our country, seeking to confuse and befuddle the Nation, block the road to recovery, and thrust us back into the chaotic conditions from whence we have been so eagerly seeking to extricate ourselves. Instead of cooperation we are getting destructive criticism. Make no mistake, my fellow citizens, there can be no genuine recovery, nor return of real prosperity and happy conditions for the people of this country, unless there is developed a spirit of cooperation among the various groups that constitute the forces back of our economic life. No one objects to honest, constructive criticism, but extravagant abuse and bitter invective can serve no purpose.

Following the election of Roosevelt and the crisis in the early part of 1933, when the country was floundering in confusion, businessmen throughout the country recognized the dangerous conditions confronting the Nation. Everyone realized that cooperation was essential to allay fear and again start the wheels of progress

revolving. There was no criticism then. There was cooperation in thought, in word, and in action.

Under the splendid leadership of President Roosevelt we have made rapid progress during the intervening years. During the current year almost daily the press carries encouraging news of improvement in business conditions. Yet now comes this paradox. Just as we are achieving success in every direction, we are now beginning to hear volumes in the way of destructive criticism and bickering. In view of the progress which the administration has made in restoring the moral, social, and economic well-being of the country, it would seem that it would be entitled to the highest degree of good faith, good sense, and gratitude from every spokesman of business and industry.

Nevertheless, while the people in general are industriously cooperating in an effort to maintain and extend the prosperous conditions already achieved, these self-appointed spokesmen for industry are satisfied with nothing. They seem to be willing to court complete annihilation of the capitalistic system rather than lose any of the perquisites or prerogatives of big business. Fortunately, the great majority of businessmen are supporting the President and are candidly acknowledging the splendid improvement which has taken place in our business and industrial life, and the benefits the country is receiving from his successful efforts to correct economic evils and reestablish the purchasing power of the people. Perhaps this strange paradox may be explained on the basis that this is an election year and that it is politics we are hearing, not economics.

In line with this spirit of antagonism which I have mentioned, one of our great metropolitan newspapers, the New York Sun, recently published an article designed to arouse the animosity of the eastern industrial sections against the West by this outstanding organ of the Republican Party. I quote from this article:

"The sovereign State of Montana paid into the Federal Treasury in all internal revenue for the year ending June 30, 1935, the sum of \$6,165,173. Montana in 1935 received, on order of the executive department, the sum of \$9,084,000 in direct relief funds. Thus in direct relief funds alone, Montana took from the Federal Treasury \$2,900,000 more than it contributed to the support of the Federal Government."

Now, every informed citizen knows that Federal relief money was allocated solely on the basis of need. Need was calculated on the basis of deficiencies in local relief budgets. Naturally, the rich industrial States, that for many years have profited under the economic and tariff policies of past administrations, at the expense of the agricultural States, had much larger local resources than these poorer Western States. The story entirely ignored this variation in the comparative situation of the States affected by the depression. This criticism is the old "Grundy" argument which we have heard before. You will recall Senator Grundy was the representative of business interests, who declared the Western States should talk "darned small" in national matters and inferred that the industrial States paid the taxes and had a right to dominate the situation. Of course, there is not the slightest justification for this attack. It is one of the major functions of National Government to equalize in certain spheres of national interest variations in the economic capacities of its political subdivisions.

Moreover, it is obvious that internal-revenue receipts collected in a particular State do not constitute the sole amount paid toward Government expense by the people of that State. Modern business is not confined to State lines. Whenever a package of cigarettes is manufactured in North Carolina and consumed in Montana, the Federal tax of 6 cents is collected on the cigarettes in the State where it is manufactured. Any reasonable and intelligent person can, nevertheless, see the tax was not paid by the State where it may have been manufactured, but that it is actually paid by the consumer in Montana, where the cigarettes are purchased. This is a striking example. Yet the New York Sun would credit this entire sum to the people of North Carolina.

It was also contended that New York pays all the customs duties on imported goods which happen to enter the country through the port of New York for distribution and consumption throughout the Nation. These attacks are baseless and unjustified. Eastern corporations derive the bulk of their earnings from other States.

The industrial East, as I have suggested, profited enormously from the tariff policies of the Nation. These policies eventually impoverished the agricultural States, destroyed the foreign markets for agricultural commodities, and started western farmers on the toboggan slide to bankruptcy. During this same period the industrial sections were amassing fabulous surplus earnings and paying the most astounding dividends and salaries in all history—salaries and bonuses, mind you, paid to executives and directors, not wages to workers. Surely the East should be more just to the agrarian States. Without the restoration of the purchasing power of the farmers of this country there can be no recovery. Failing in this achievement business and industry will, by the force of circumstances, be relegated to again wallow in the mire of depression. The rehabilitation of agriculture is, therefore, an absolute condition precedent to any industrial recovery of the country. It is not a problem for Montana or the western farm States. It is a problem of the whole country.

Included in the legislation for relief of farmers is the soil-conservation measure designed to rebuild soil fertility and restore parity incomes to the farmer so as to enable him to operate his farm, pay his debts, and live in decency and comfort. The



farmers, also, are seeking relief from burdensome debts which during the past generation have been huddled on their backs as a result of our economic system and tariff policies which destroyed their markets, ruined their prices, and made it impossible for them to carry the load. Farmers also ask protection from the unfair methods of manipulating commodity prices on the commodity exchanges of the country. Farm prices are determined to his disadvantage by gamblers and speculators on commodity exchanges. Just like security prices were manipulated on the New York Stock Exchange prior to its regulation by the Securities Exchange Commission. Under these manipulations of prices the farmers are being annually fleeced out of just returns on the products of their farms. This is a problem the whole country should be interested in. It involves simply the protection of the farmer in the fruits of his labor. It is simple justice.

I would like to refer briefly to the Resettlement Administration Service in bringing about resettlement of the farmers in the distressed and drought-stricken sections of the country. Recently a loud newspaper and partisan barrage has been leveled against the Resettlement Administration, which has already done and is now doing an indispensable work in getting these broken-down farmers back to a basis where they are self-sustaining.

These are all problems not of particular sections but of the whole Nation. They are constructive proposals and are essential in any program for the restoration of purchasing power. The solution of these problems will work to the benefit and advantage of business and industry as well as agriculture.

Mass unemployment results from Nation-wide conditions and abuses. The closing down of mines in the West or the textile mills in the East is the result of national conditions. Thus the ultimate solution must be a Federal one with the full cooperation of American industry. No section or group in the country can shirk responsibility. In this age of abundance with its paradox of poverty amidst plenty a way must be found by which the masses can purchase the things they have learned to want. There is only one way to all-round prosperity, and that is by increasing the mass purchasing power to balance mass production. The farmers and the workers are all consumers of the products of industry and agriculture. They must be enabled to purchase their share of that produce.

No section of this country is independent of the other. Anybody who has ever looked upon those great chimneys of the industrial centers and seen the smoke of manufacture rising to the heavens—incense which industry burns before the throne of God—must realize the close interdependence between all human beings in the world today. Everything that enters into manufacture, the very stones of the structure in which industry operates, the very beams of the building in which it is sheltered, the raw materials of manufacture, the clothing and food of the workers, all come from the outside. The dweller in the cities depends completely for his sustenance upon the labor of the entire country.

If complete cooperation can now be had, the scourge of this depression which has been laid on the backs of our people will soon be converted into the greatest blessing which Providence has ever extended to us. It is the unbroken lesson of history that sacrifices imposed upon one generation are the necessary price of every great advance, material and moral, accomplished by other generations. After our Civil War, notwithstanding its enormous waste, the substitution of free labor for slave labor opened a fountain of prosperity which more than repaired in 5 years the terrible destruction of battle.

Now, in this age, if we can, by correcting the economic mistakes we have made, restore the purchasing power of the farmer and worker, spread employment so as to absorb the labor of all our people in useful production, and stimulate full industrial activity, the ravages and distress which we have suffered will be soon repaired and the people of this country will realize a higher plane of prosperity than has ever been achieved before.

ADDRESS BY ATTORNEY GENERAL AT CONNECTICUT DEMOCRATIC CONVENTION

**Mr. BARKLEY.** Mr. President, I ask unanimous consent to have printed in the RECORD the address delivered by Hon. Homer S. Cummings, Attorney General of the United States, at the State Democratic convention of the State of Connecticut, New Haven, Conn., May 15, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen of the convention, it is an agreeable experience to return to my home State and to have an opportunity to salute old-time friends and party associates upon the eve of another great Democratic victory. Here I find the consoling presence of my colleagues of other days, and here, too, I see the ardent and shining faces of the younger men and women who have come into the party to renew its vitality and to carry on its great traditions. I felicitate the leaders of our organization upon the happy manner in which these groups have been brought together and molded into a coherent and united force.

To our able Senators and Congressmen, to our efficient State chairman and his associates upon the State central committee, and to all the faithful members of our party who are gathered here tonight I extend my affectionate greeting.

I pause to pay especial tribute to the nestor of Connecticut Democracy—Gov. Wilbur L. Cross—whose scholarly attainments, broad statesmanship, and, may I say, salty personality have added

luster to the great office he administers with such marked distinction. He has won an enduring place in the affections of the people of Connecticut.

Members of the convention, we have come a long way together, and there are many things yet to be done. The last 3 years have been fruitful years. Our people have successfully passed through a great crisis. When the present administration came into power our country was in the throes of a depression far more devastating than war. Our standards of civilization were being progressively impaired. Our people were being forced to accept a less and less adequate scale of living. Our financial structure was in ruins. Our industries had practically ceased to function, and we trembled upon the verge of an economic abyss which threatened to engulf the Nation. The great captains of industry and finance, who had been so potent in the old days, and who had assumed that they possessed a patent upon prosperity, were in a state of bewilderment bordering upon abject terror.

They saw nothing ahead but universal bankruptcy and the liquidation of assets under conditions so desperate that they could not and would not have been endured by any free people.

Do not for a moment imagine that I exaggerate. During the Hoover administration, 6,067 banks were forced to close their doors. The managers of the financial institutions that still survived were, in their desperation, calling in loans, selling the securities that were pledged to meet them, foreclosing mortgages, and restricting credit, thereby accelerating the speed with which we were approaching complete chaos.

The startling withdrawals of gold for hoarding or for export to foreign countries, which took place in February and the first few days of March 1933, made further gold redemptions impossible. Those who could lay hands upon gold bullion, gold coin, or gold certificates were carrying them stealthily to storage in safe-deposit boxes. During this 30-day period, \$476,100,000 in gold had been withdrawn from the Federal Reserve banks and the United States Treasury, of which \$311,000,000 was for export, or to be earmarked for foreign account. Simultaneously there was a great demand for money of all kinds, for domestic hoarding. No man knew what the next day might bring forth. Foreign trade had been brought to a standstill, price levels were falling everywhere, and the burden of debt was beating our people to their knees. Failures and bankruptcies had reached unparalleled proportions. Our agricultural population was in dire distress, and farm evictions were taking place at the rate of more than 200,000 a year. Uncounted millions were out of work.

Nor is this all. The funds of charitable organizations and the resources of the generous, who had been contributing to the help of those less fortunate than themselves, were being depleted to the vanishing point. The morale of our people had been profoundly shaken; and there were repeated outbursts of violence in large sections of our country previously known as among the most orderly and dependable in our Nation. Upon every hand there were portents of evil which no responsible statesman dared disregard.

I do not pause to assess the responsibility for these conditions or attempt to trace their source. The essential fact is that they actually existed and were bequeathed by the outgoing administration to Franklin Delano Roosevelt. Did he lack vision? Did he lack resourcefulness? Did he lack courage? Did he lack devotion to the public service? Did he lack the gift of leadership, or the capacity to guide in a great national emergency? The united voice of America testifies to the contrary.

His immediate problem had to do with the financial and banking crisis. On Monday, March 6, 1933, he issued his first proclamation which suspended the operation of all of our banking institutions throughout the country, prevented their destruction, and afforded an opportunity for rehabilitation. That dramatic and drastic exercise of Presidential power was a superb act of courageous statesmanship—and it saved the Nation.

From that date to the 31st day of January 1934 the President, acting in close cooperation with a patriotic Congress, approved of a series of acts and promulgated supporting Executive orders that effected a fundamental change in the financial and monetary structure of our country. Gold and gold bullion were swept into the Treasury of the United States; gold certificates were placed where they were readily within the control of the Government; foreign exchange was regulated; banks were progressively reopened; gold hoarding was brought under control; parity was rigidly maintained; and a complete transition was effected from the discredited gold-coin standard to a gold-bullion standard, with the content of the dollar fixed at an enduring amount.

These measures tell the inspiring story of a troubled nation finding its way successfully out of financial chaos. Nor was the President content to rest with these achievements. He realized, even if his critics did not, the extent of the task involved in the effort to restore the broken life of America. The need was imperative, and he acted with swiftness and decision.

The President would be the last to assert that all of the agencies he set in motion have achieved their full purpose, or that they have been free from defects of administration. These things are inherent in any great national program. But no matter what the captious may say about the alleged mistakes of the Government at Washington, it cannot truthfully be asserted that it is in the hands of selfish interests, or that any ulterior purpose dictates its policies. We have placed the Government of the United States at the service of the people. We have shifted the money center of America from Wall Street to Washington, and, if I mistake not the temper of our people, they approve of the change.



Who is it then that is dissatisfied with the work of the administration? Not those who have been aided by the Agricultural Adjustment Act. Not those whose farms have been saved by the Farm Credit Administration. Not those who have been able to refinance their mortgages at a lessened rate of interest through the activities of the Federal Housing Administration. Not those whose homes have been saved by the Home Owners' Loan Corporation. Not the stockholders or creditors of banks, insurance companies, and railroads that have been rescued by the Reconstruction Finance Corporation. Not those who have received aid or found work through the Public Works Administration or the Works Progress Administration. Not the 1,250,000 boys who were taken from idleness and the streets and given opportunity and training in the Civilian Conservation Corps. Not the 52,000,000 American citizens whose deposits in the banks of the country have been made secure by the act creating Federal deposit insurance. Not the laboring groups in whose interest the National Recovery Administration established collective bargaining, improved working conditions, outlawed the sweatshop, abolished child labor, and gave to industry an opportunity for constructive leadership.

Not those whose humanitarian instincts approve of the Social Security Act and its provisions for old-age insurance and grants to States for widows' pensions, child welfare, and public-health service. Not those who recognized the need of abolishing holding companies formerly connected with the banks of our country which made it possible for reckless or corrupt financiers to speculate with the savings of depositors or waste the funds entrusted to their care. Not those who favor stock-market regulations to protect the public in connection with securities offered for general sale. Not those whose utility rates have been reduced through the activities and influence of the Tennessee Valley Authority. Not those who wanted to see the price level lifted and the debt burden of the country made bearable. Not those who have followed international developments and have noted the fruitful efforts to expand our markets and to revive foreign trade. Not those who are gratified by the doctrine of the good neighbor, which has restored a feeling of friendliness amongst the nations on this side of the Atlantic. Not those who realize that the American dollar is the soundest money unit on earth, and that there is a larger metallic reserve behind every Government issue than at any previous time in our history. Not those who are proud of the fact that the credit of our country stands higher than that of any other nation on earth. Not the great masses of the people who see evidences of increasing prosperity upon every hand.

Who, then, I repeat, are dissatisfied? No doubt thwarted political ambitions, unrelenting partisanship, and ultraconservatism account for the major portion of the forces arrayed against us. These things we understand and accept. There are, however, other and far more sinister groups we must take into account. They think primarily in terms of dollars, or the power that dollars represent, and feel little concern for social measures that sound in terms of humanity. I am puzzled by the thought processes of some of these influential and disgruntled citizens who, for so many years, have been riding high, wide, and, let me say, not so very handsome. Why should they be enraged because prosperity is returning? Why are they not content to accept it gracefully? Can it be that they are not willing to have the country prosper except upon their own terms? Why do they not turn in and work with the rest of us to meet our common problems? Are we not all Americans? Is this not one country? Are the people in distress not our friends and brothers?

I sometimes think that these incredible people who report greatly increased profits and simultaneously denounce the President must be harboring an inferiority complex. Somewhere deep down in their subconscious minds there resides a sense of frustration that releases itself in the unbridled outbursts with which, unfortunately, we are all so familiar. They are in the inglorious position of sitting on their money bags, watching the world go by, uttering cries of protest and terror, while they accumulate, at the same time, constantly increasing bank balances.

The New Deal is not on trial. I do not come to defend the New Deal or the policies of the administration. I proclaim them as the source of our salvation and our security. Those who resist social advance, those who oppose change, those who accept the past as good enough for the present, those are the groups that are on trial before the conscience of their fellow men.

To assume, as some of the less-informed critics of the administration are inclined to do, that all that is needed to achieve even a higher degree of prosperity is to terminate Federal effort and let nature take its course is to display an almost childish misapprehension of the problems of modern life.

If, as some of our Republican friends assert, recovery began with Roosevelt but not because of Roosevelt, then at least we are permitted to observe that it was a peculiar and happy coincidence.

There are those who complain that the Budget has not been balanced. If the President had balanced the Budget at the time his critics insisted that he should do so, how many of our citizens would have been forced to go without food? Which was the more important thing to do, balance the Government's Budget or balance the people's budget? Manifestly it was impossible to do both at the same time. If this be treason to the doctrines of sound finance, let the critics of the administration make the most of it.

Of course, recovery has cost a great deal of money, but far less than unfriendly critics assume. During the world conflict we spent nearly \$28,000,000,000 for the destructive purposes of war. We have appropriated only a little more than half that amount for the

constructive purposes of peace. Only a part of this sum has thus far been spent, a large portion of which is recoverable.

Nor do our critics allow any credit for the public buildings that have been erected, the great bridges that are being flung across our rivers, the thousands of leagues of good roads that are being laid, the dams that are being built, and innumerable other projects that add to the wealth and well-being of our people.

This outpouring of public credit had for its primary object the rescue of millions of Americans from the impossible position in which the economic collapse had placed them. The purpose was to preserve to them their private ownership of property, their right to conduct their enterprises as independent and useful factors in American life, and to avoid the processes of enforced liquidation, by which the great bulk of our fellow citizens were rapidly being regimented into the growing army of unemployed who were becoming, year by year, increasingly dependent on the centralized control of wealth in fewer and fewer hands. In short, it was by means of these expenditures that we salvaged not only the material but the moral and irreplaceable assets of a free people.

Manifestly there are many grave problems yet to be worked out, which must be approached not only with all the intelligence the Nation can summon, but with a devotion amounting to consecration.

Do you suppose for a moment that the Republican Party as now constituted, or as it is likely to be constituted, would be able to grasp the social consequences involved in these great economic dislocations or be willing to adopt the measures of relief that existing conditions demand? It would be a vain and futile hope, indeed.

When the history of this era is written, in the cool and contemplative days of a later period far removed from the animosities and misunderstandings of the present time, President Roosevelt will be more and more clearly revealed not only as a friend of human justice and social progress, but as the protector and defender of our accredited form of government, which, by his genius, he has vindicated.

The dawning future is aglow with promise. The gross income of our farming groups has increased approximately \$3,000,000,000 a year since 1932, and more than 30,000,000 of our people in the agricultural areas, instead of living under the constant fear of eviction and penury have developed a power to buy that has stimulated activity in every nook and corner of our country.

Statistics recently compiled by the Federal Reserve Bank of New York disclose that 909 corporations, consisting of 700 industrials, 149 railroads, and 60 utilities, made a net profit of \$142,000,000 in 1932. These same companies in 1935 made a net profit of \$1,568,000,000, being more than a tenfold increase. One great automobile company in 1932 made a profit of \$165,000; in 1935 it increased its profit one thousandfold to a total amount of \$167,000,000. A summary by the National City Bank of the profits of 2,010 companies showed earnings for the year 1935 of \$2,541,000,000, an increase of 42 percent over those for 1934, which in turn had been far better than 1933 and 1932. This year the statistics are still more encouraging. Everywhere, on every hand, in every line of activity, there is a constantly improving situation.

Those who were tongue-tied in the great crisis and found their voices only when the danger passed are in no position to criticize either the policies, the purposes, or the achievements of the administration; and those who have no better program to offer should learn the grace of silence. President Roosevelt has done more than restore material prosperity. He has restored the faith of our people. We stand upon his great record.

Every President who has guided this Nation through a troubled hour has been denounced as a destroyer of the Constitution, as a usurper, as a dictator, and as an enemy of honest wealth. Turn back the pages of your history for a moment and read this characteristic attack upon our first President:

"The American Nation has been debauched by Washington. . . . The President has violated the Constitution."

So virulent were the assaults upon him that, in a moment of exasperation, Washington said he would rather be in his grave than in the Presidency.

In 1862 a leading northern newspaper published the following statement about Lincoln:

"We saw the Executive power grasp in one hand the sword and the purse of the Nation and in the other the legislative and the judicial authority, and hold them in relentless grip to the complete annihilation of our constitutional rights. . . . We saw trade disordered, Government finances ruined, and enormous debt piled incalculably high, intolerable taxes. . . . We saw the superb Constitution, under which our country has grown great and respected, torn in shreds."

Such were the assaults made upon President Lincoln when he was striving to preserve the Government itself in the dreadful hours of the Civil War. And now, in many influential quarters, similar attacks are being made upon President Roosevelt who has carried the Government, the Constitution, and the people safely through the peril and misery of an unparalleled depression to a new and happier day.

For all practical purposes the election is over now. The vast majority of our people devoutly believe that the President is striving to the utmost of his ability to make this a better country in which to live. Never before has the average citizen felt more confident that those in charge of the administration have a deep concern for his welfare and that the Government is his friend.

I say to you that the people do well to love the President. By an unerring instinct they recognize his faith in them, his passion



for justice, his espousal of the cause of the exploited, and his devotion to our institutions. They understand full well the attacks that have been made upon him. They are not disconcerted because he is unpopular with the beneficiaries of the abuses to which he has put an end, and they love him for the enemies he has made. No nominee of reaction, no candidate content to deal in platitudes, no sterile traditionalism, no program of abuse can seduce them from their faith in their great leader.

ADDRESS BY CHAIRMAN FARLEY AT VERMONT DEMOCRATIC STATE CONVENTION

Mr. BROWN. Mr. President, I ask unanimous consent that the address delivered by Hon. James A. Farley, Postmaster General and chairman of the Democratic National Committee, before the Vermont Democratic State convention at Barre, Vt., on May 14, 1936, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The presence of this representative gathering today is convincing evidence that the Democratic Party is entering the campaign of 1936 in the healthiest condition of its history. The party is strong because facts tell the story and the people of this country know what the administration has done to bring order out of chaos and to restore the economic lifeblood of the country.

I remember that 4 years ago a chorus of hearty chuckles greeted the announcement by our candidate for the Presidency, Mr. Roosevelt, that he intended to deliver a campaign speech in the rock-ribbed Republican State of Vermont. It was an unprecedented action for a Democratic candidate and the press described it as merely a friendly gesture by Governor Roosevelt toward a neighboring State.

But after the election returns were counted in the fall of that year most people found it necessary to change a great many of their previous political beliefs. True enough, the Democratic Party did not carry Vermont, but it made substantial gains in this State and swept the rest of the Nation. The Democratic tide was strong in 1932, and it is running even stronger right at this minute. The great outstanding fact about the campaign of 1936 is that there is no longer any such thing as rock-ribbed Republican territory, and our adversaries know it. I make this statement at the opening of my remarks to forestall the usual comment that my coming here is another idle gesture. It is no such thing.

The great trouble experienced by the Roosevelt administration is in keeping up with our critics, who keep up a continual chant of complaint but who never seem to agree on what they believe is wrong with the administration. Just as soon as we answer one set of complaints they have an entirely new one.

Several months ago it was fashionable to charge that the policies of the administration were retarding the natural forces of recovery. They got away with that false argument until the business reports for 1935 and the first quarter of 1936 were made available. Then they found themselves confronting the undeniable fact that business in every section of the country was improving, that farm prices were up, and that most industrial units were making more money than they ever made before.

I find that Vermont is no exception to the rule. I find that the State has 4,000 more pleasure cars than it had last year. I find that the profits made by one Vermont cooperative creamery in 1 year were more than the par value of its stock. I find that shipments of Vermont maple sugar were 70 percent greater in 1935 than they were the previous year. The lumber business is better, agricultural prices are better, the banks are in fine condition, and most Vermont business concerns are making profits for the first time in years.

That is the true situation and I want to make it as emphatic as I can right here and now that this business recovery is the direct result of the wise policies inaugurated by the Roosevelt administration. I go further than that and say it would have been dangerous for this country if the deflation curve had been allowed to continue downward and if the do-nothing policies of the Hoover administration had been allowed to continue in force. As a distinguished newspaper editorial writer recently expressed it, the policies adopted by Mr. Roosevelt were insurance against civil disorders and possible revolution and the price has been more than worth while.

Just at this moment it is especially fashionable to criticize and condemn one of the finest of the many excellent measures put in operation by the Roosevelt administration to tide this country over the great emergency of the past few years.

I refer to the work-relief program which provided the necessities of life for millions of men, women, and children who otherwise might have starved, and which at the same time has provided a construction program of lasting benefit to the Nation. The most significant thing about the work-relief program is the fact that it provided work in the big cities of this country where the unemployed existed in unprecedented numbers. It was far better and far safer to have these men employed than it would have been to have them congregating in gangs on the street corners and complaining about their unfortunate condition. Idleness is the mother of civil disorder and every student of history is well acquainted with that fact.

I want you to bear in mind that these critics of work relief were silent and unheard of when that policy was adopted. If these self-appointed experts and so-called leaders had anything

to say in the time of the great crisis, no one remembers it because no one paid any attention to what they said. But now that the country is on its feet again, they rush out of hiding and spend their days finding fault with President Roosevelt, who did more to bring this country back than the whole of them put together.

There is no use in asking these people to stick to the facts on work relief although those facts are readily available. They continue day after day to publish and broadcast ridiculous and distorted statements about what they call boondoggling and when the facts were disclosed every one of these charges were exploded. In reply to these untruthful statements about work relief, I am going to call your attention today to the judgment rendered on that policy by 100 men in this country who should know more about work relief than any other group. The United States Conference of Mayors is an organization of those men entrusted with running the government of the largest cities of this country. They know by first-hand knowledge the dangers that might arise from mishandling the unemployed problem. The conference of mayors made a survey. Recently, the conference published a report on the conclusions reached by the 100 mayors of the largest cities in this country. This report said in part:

"The integrity and permanent usefulness of the city projects which have been approved by the Federal Government need no apology from anyone. Nor do the cities ask the Government or the President to defend the W. P. A. work which is being assisted by Federal funds.

"These projects are the cities' own projects. All the Government has done is to approve or disapprove what the cities have submitted.

"We are of the opinion that any honest and impartial analysis of the work being prosecuted in the important cities of the country will reveal that practically every project represents a useful and, in most cases, a permanent public improvement."

I want you to bear in mind that the testimony I have just quoted came from 100 mayors of the largest cities in the country, Republican, Democratic, and Independent. I want you to bear in mind that they were unanimous in praising the work-relief program of the Federal Government. These men, more than any other group, know what might have happened if a weaker government had been in control in Washington. Can you ask better or more convincing testimony for the work-relief program? Do you realize now why the Republican National Committee, the Du Pont Liberty League, and the hostile press, always keep silent regarding this report of the mayors? They know the facts are against them, so they ignore the real situation and continue their misrepresentations. So much for work relief.

I am going to review very briefly now what the Roosevelt administration did to restore and revive the banking structure of this country without which the recovery we now enjoy would have been absolutely impossible. I want you to recall that these wise policies were opposed at every step by the same people who are now finding fault with the administration. They did everything in their power to destroy the confidence of the country in the Roosevelt administration. Remember that they predicted chaos and confusion for the banking world if the Roosevelt policies were placed in operation. What has happened? On the contrary the banking structure is stronger today than it ever has been in the history of the country. More than that, the people have confidence because their deposits in most cases are insured; they know that the fearful orgy of bank closings, a frequent occurrence under Republican rule, cannot happen again.

Most of us recall the lightning speed of action which President Roosevelt employed in clearing up the banking and financial mess left on the doorstep of his administration by the Hoover regime. We know how he revitalized the banking structure. We recall that later the Glass-Steagall bill was enacted to correct bad banking practices; we remember the insurance of deposits, and the strict regulations put into effect to prevent the issuance in the future of worthless securities. But few people know of the wonderful good done to the banks of this country by the Home Owners' Loan Corporation and by the Farm Credit Administration. Those two Government organizations did more than save 1,000,000 home owners and 500,000 farmers from eviction. They took over frozen bank paper and gave them liquid paper at a time when such action was sorely and vitally needed by the banks of this country. It was a wise and far-seeing use of the credit of the Federal Government. A real-estate authority, writing in a Boston newspaper not very friendly to the administration, said this:

"The Home Owners' Loan Corporation saved the country, protected the banking structure, and, if it lost every penny it loaned, it would still be the finest thing in the United States, but it will probably not lose \$1, so well managed and manned is this sound Corporation, set up to relieve distressed home owners."

In considering that testimony, please remember that the Home Owners' Loan Corporation has loaned more than \$2,000,000,000 and yet this writer says if every penny were lost, it would still be a good investment. But he adds that the chances are Uncle Sam won't lose a nickel because the Corporation has been so well managed. And yet a few years ago we were being solemnly warned that the entrance of the Federal Government into that business was a grave error, and that the final loss would be terrific.

These Roosevelt critics were nowhere to be found when the President and Congress were deciding on the great and worthy policies which I have just described. They remind me of guerillas who run and hide when the battle is raging fiercely and then



rush out after the battle has been won, to start sniping at the brave leaders who won the day.

One of these loud-voiced critics of President Roosevelt worked himself up into a terrible state the other night because he said he never heard of the men whom President Roosevelt has around him running the Government in Washington. That's just like criticizing General Pershing because he helped win the World War with a lot of doughboys whom no one ever heard of before.

The great fact is that President Roosevelt won the war against the depression, and he did it with men who stood loyally by his side in the great emergency. This critic I have just mentioned roared his disapproval of every policy advocated by the Chief Executive and every one of them has worked out well. Would anyone want him in Washington?

As I said before, facts tell the story. Banking deposits now are more than \$24,000,000,000, or above even the total amount reached in the boom peak of 1929. That is a marvelous record, and it is due solely to the wise policies of the Roosevelt administration. That money belongs to the frugal, thrifty people of the United States, and they know they are not going to lose it.

I know figures and statistics are boring, and I am going to avoid them as much as I can. But in 1934 and 1935 only 91 banks failed in this country with total deposits of \$47,000,000, almost every penny of which was saved to the depositors by insurance.

In the 4-year period of 1930 to 1933, inclusive, and, of course, including the great banking crisis, more than 7,843 banks in this country were compelled to suspend operations, and few of those reopened. The deposits in those banks reached the stupendous total of more than \$6,000,000,000. All of that huge amount was not lost but certainly a large part of it was. The total loss was probably over \$2,000,000,000.

We hear a great deal these days from our Republican foes about high taxes. I wonder if you can think of a higher tax than the loss to a poor man of his life savings. Just think of the terrible losses suffered by the people of this country because Republican administrations flatly refused to correct the evils of the banking structure. No wonder that bank deposits shrunk more than \$7,000,000,000 during the great depression.

The people of Vermont can think for themselves, and they know that the funds sent here by the Federal Government during the depression turned the economic tide. It has been conservatively estimated that more than \$62,000,000 has been allotted, loaned, expended, or disbursed in the Green Mountain section since March 1933. The people of Vermont are honest, hard-working people who pay their bills, and they will pay back their borrowings to Uncle Sam just as quickly as they would any other creditor. That fact is amply proved by the records of the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, and the Farm Credit Administration.

But I want you to pause and consider the effective work done by that \$62,000,000 in protecting your homes, your savings, and your business during the last few years. You know better than I how many banks were saved, how many people were kept employed, and how many merchants were kept from going out of business. You know that relief money was cash money and that without it the retailers of Vermont would have been hard pressed indeed.

The next time you hear one of these self-styled economists telling about the natural forces of recovery ask him why those forces didn't stop the 8,000 bank failures under Mr. Hoover. And if that fails to convince him, remind him of the thousands of business failures during the same period.

It might be well at this moment to consider briefly those forces which are now so vigorously opposing the Roosevelt administration and hoping wistfully that something will turn up between now and November to bring about its defeat. Washington is overrun with the highly paid publicity experts of the Republican National Committee who are swamping the press with daily outpourings against the administration. It was this highly paid publicity staff which was responsible for the speech by the Republican Senator who said the Roosevelt administration had driven the people to eating dog food. The Senator is an outstanding candidate for the Presidency, and I must confess he has boiled down the Republican issues better than anyone else to date.

Of course, the newspapers pointed out you can buy good whole-some milk and bread and other human foods—produced in large quantities in Vermont—much cheaper than you can buy dog food, but a mere fact like that means nothing to the Republican publicity staff. Like the Republican "brain trust", it was so ridiculous that the people of the country laughed it out the window. In their frenzied zeal to halt the onward rush of the Roosevelt administration the Republicans fail to realize that until they get a program and a candidate who means something to the people of the United States they might as well shut up shop. This business of condemning everything the administration does has simply disgusted the country. After all, you can't fool all the people all the time.

Then, of course, there is the Du Pont-owned Liberty League, which has become strangely silent during the past few months or ever since it was disclosed that the sponsors of the league will pour out money to anyone who promises to say something nasty about Mr. Roosevelt.

The Liberty League, as you probably know, is a sport model of the Republican National Committee. The same people own both cars, and for the sake of convenience sometimes they use one and sometimes the other. I know a lot of people who would be ashamed to be found riding in the Republican model who don't

mind taking a seat in the sport model. But both cars are headed down the same blind alley and both will arrive at the same disappointing end.

The Senate committee has made some interesting revelations about the Du Ponts, who happen to be making more money as the result of the Roosevelt policies than they ever made in their lives before. It was disclosed that the Du Ponts were putting up the cash for the so-called Farmers' Independence Council, which, rightly enough, had offices on Wall Street, N. Y. I think any farm organization run by the Du Ponts should have Wall Street offices. But I wonder what the real dirt farmers of Vermont think of tactics like that? I wonder if they want the Du Ponts to represent them in advocating the kind of agricultural policies this country should have? Of course, they don't; and the farmers of Vermont, like those everywhere, resent this piece of deceit on the part of the Du Ponts and their wealthy friends.

The American Liberty League itself is now so discredited that it is no longer worth bothering about or answering. But it is well to remember that the rich men who run the Liberty League are also financing almost every other organization which is engaged today in opposing the Roosevelt administration. The men who contribute to the Liberty League are also contributing large sums to the Republican National Committee. Do you think they are doing that to help the farmers and the business interests of Vermont? Not on your life! They are pouring that money into the Republican organization because they intend to control it for their own interest.

The press of the country is pointing out that the Republican leadership is suffering from a "defeatist" complex because the leaders know very well that the party is going down to a crushing defeat in the fall of this year. The G. O. P. is going to take the worst defeat of its career because it has allowed itself to come once again under the domination of the wealthy Liberty League sponsors, who never seek anything but their own unselfish ends. In primary after primary the people of this country have shown that they resent this old, bankrupt, Republican leadership. In large States like California, Illinois, Wisconsin, and Pennsylvania President Roosevelt, although unopposed, has polled a larger primary vote than his Republican opponents combined. After all, the attitude of the voters is what tells the true picture of conditions in this country today.

I wish to close my remarks by urging you to bring the facts before the people of Vermont. Let the people know what honest, impartial observers feel about the policies of the Roosevelt administration and the result is a foregone conclusion.

The proof will come early next month when the Republicans gather in Cleveland to write a platform, which will endorse farm relief, relief to the unemployed, social insurance, and many of the other fine policies placed in operation by the Roosevelt administration. Imitation is always a sincere form of flattery, but in this case it will be more than that—it will be a confession of defeat on the part of our Republican opponents.

Vermont, like the rest of the country, may congratulate itself on the fact that our President for the next 4 years will be that great leader and outstanding statesman, Franklin D. Roosevelt.

#### PEACEFUL CHANGE WITHIN THE SOCIETY OF NATIONS—ADDRESS BY JOHN FOSTER DULLES

Mr. POPE. Mr. President, I ask unanimous consent to have inserted in the RECORD an address on the subject Peaceful Change Within the Society of Nations, delivered at Princeton University on March 19, 1936, by Mr. John Foster Dulles. This address is so scholarly and informing that I think it deserves a place in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I have chosen as my topic the subject of "Peaceful Change Within the Society of Nations." Before approaching this in terms of the concrete, I ask you to permit me some abstract consideration of the problem of change. We can perhaps thus find certain general principles which will be relevant to our subsequent discussion.

#### THE NATURE OF THE PROBLEM OF CHANGE

We are becoming increasingly aware of the dynamic character of the world in which we live. Formerly a large part of what surrounds us was classed as "solid" and "static." Step by step, as our knowledge has progressed, we have had to discard such views. We now know that everything is in motion and that, if there is any one principle of general applicability, it is that of movement and of change. We still speak, to be sure, of the "static" and the "maintenance of the status quo", just as we still speak of the "rising" and the "setting" of the sun. But such phrases are no longer looked upon as expressing scientific truth. Actually nothing is static; change is omnipresent and the status quo is never maintained.

In addition to accepting the inevitability and universality of change we note that change greatly varies in its manifestations. Some changes are gentle and benign; others are violent and destructive. If we seek an explanation of these variations, we find that violent and destructive change is usually consequent upon dynamic forces being restrained or repressed by some rigid envelope. The forces then tend to pile up and concentrate in intensity until finally they burst forth with violence. On the other hand, dynamic forces which are readily diffused do not manifest



themselves in any such abrupt and destructive manner. Change in that event is gradual and peaceful.

What is the role of intelligence in a world thus dedicated to movement and change? One certain thing is that intelligence must accept the inevitability of change and that such acceptance must be given irrespective of our ability to rationalize change or comprehend the nature of all the forces that compel it. We cannot, of course, avoid speculating on such matters and, perhaps, regretting the apparent futility of much change. However, the greatest futility of all would be to assume that the law of change can be suspended either by our ignorance or by our disapproval. We may indeed set ourselves up in opposition to change. But if we thereby delay the forces which we oppose, we merely assure their more violent ultimate manifestation, with the result that it is we who are swept aside. Change is the ultimate fact to which we must accommodate ourselves.

If, however, intelligence cannot set itself the task of suppressing the dynamic forces that surround it, it is equally clear that intelligence should not content itself with the role of simple observer. This would be an abdication which, in essence, is a negation of intelligence itself. It is the great, indeed, the unique, quality of intelligence that, while it cannot stop the forces which make change inevitable, it can to some extent modulate and direct these forces so as to affect the character of change.

It is, for example, often possible to increase the intensity of the dynamic forces by concentrating and temporarily restraining them. Or we can decrease the intensity by adjustments which permit of ready diffusion. We can similarly affect the direction in which the dynamic forces discharge themselves. If we desire to produce a violent fall of water, we dam up the stream. If we desire to avoid impetuous floods, we canalize the stream and diffuse the water at an early stage. Through such methods, it is possible for intelligence to deflect violence from that which we wish to see prolonged. By careful planning we can impart to change an element of selectivity. Thus we attain what we are pleased to call "progress" as distinct from pure "change."

It may be thought that the foregoing reflections are particularly applicable to inanimate forces. It is much the same, however, in regard to those dynamic forces which manifest themselves through human beings. Our consciousness of "will power" does, indeed, give the impression that within this sphere we have a far greater power to control, and even to suppress. Actually such impression is largely illusion. Even in our private lives, the most intelligent of us act primarily in response to appetites, habits, instincts, emotions, and other nonrational stimuli. This is even more true of our group life. I refer not merely to extreme cases commonly referred to as "mob psychology", but to all that we do as part of a social unit. Such group action is predominantly swayed by nonrational factors. We have our fashions and our fads; our "bull" markets and our "bear" markets; our business cycles; our swings from conservatism to liberalism and vice versa—all indicative of the subjection of human action to forces other than pure reason.

If we have to deal with the mass movement of human beings, and desire to attain practical results, we must not treat such movements as subject to control or suppression purely through an exercise of will power under the direction of intelligence. Such movements are, indeed, subject to control, but primarily in the same way that inanimate movements are subject to control. They can rarely be stopped by argument, but they can generally be influenced by careful planning. Assume, for example, that we find mass movements periodically manifesting themselves in violence. We will not often stop the violence by arguing its irrationality. The practical approach is to discover the restraining envelope which creates the pressure and to provide outlets such that the dynamic forces become peacefully diffused.

#### THE ROLE OF WAR IN HISTORICAL EVOLUTION

Let us now turn to the society of nations. It is first to be observed that within this field we find no exception to the universal rule of change. The nations are in constant flux as between each other. It is illuminating to turn the pages of a historical atlas. Scarcely a decade and certainly not a generation goes by without changes of a major order.

In addition to the historic fact of change, which is indisputable, we cannot but be struck by another significant fact which is the regular recurrence of force as an instrument of change. It is interesting, in this connection, to recall the history of our own Nation. Our "manifest destiny" has been achieved through a series of steps in each of which war, actual or potential, was the decisive factor. Even where change in our national domain has, superficially, been peaceful, it became possible only by threat of war or the existence of war in other quarters. If we examine the history of other nations, we find the same story. It is, I think, indisputable that, within the society of nations, changes in relative status have been of regular occurrence; that these changes have customarily been attended by war and that they have largely been reflected in changed national boundaries.

Now the fact, that, within the society of nations, changes have been recurrent, is nothing to cause us surprise. There is, however, cause for reflection in the fact that the changes have habitually been the result of violence and that they have tended to assume a particular pattern, namely, the shifting of national boundaries. This constant coupling of change with violence suggests the presence of dynamic forces which are repressed by barriers which prevent their early and peaceful diffusion with the consequence that such forces are massed and intensified until

they forcibly break through. Furthermore, the fact that the envelope which is rent is that of national boundaries, suggests that these may be the barriers which serve to compress the dynamic forces.

It is easy to find confirmation of what is thus suggested. The society of nations is founded upon the concept of "sovereignty." What is "sovereignty"? By very definition it is the right to be free from change by outside forces. It is the essence of sovereignty that the sovereign can do as he pleases within his jurisdiction, no other nation having the right to interfere in any respect. What is his jurisdiction? That defined by national boundaries. Boundaries thus in fact become barriers and, from the Roman days, have been treated as such by writers on international topics. The society of nations is, in theory, a group of sovereigns, each endowed with barriers through which outside influences may not penetrate, except with consent. In the practical exercise of sovereignty, such consent is generally withheld.

The idea that we can have any units perpetually free from change except by consent is, of course, inherently unsound. It ignores all that we learned, or should have learned, from our knowledge of the dynamic character of our world. Sovereignty thus constitutes that obstruction to change which the constant recurrence of violence led us to expect must exist.

The world has indeed, up to the present time, been practical enough to recognize that the concept of sovereignty involved, as a necessary corollary, the use of violence to effect change. Until recently war has always been regarded as an entirely lawful procedure. This has not been because war has at any time been regarded as desirable or because the killing of human beings has been looked upon as a beneficent pursuit. War has at all times been recognized as a curse and peace as golden. However, there has been no other escape from the consequences of sovereignty. Its rigid barriers to movement have had to be broken down in the only way left available, namely, by force, and consequently force has been recognized as a legitimate measure as between nations. Even such conferences as the Hague Peace Conferences of 1899 and 1907 did not seek to abolish war. Rather they sought to evolve "rules" of war, so that the institution of war could be kept within reasonable bounds.

It is only since the World War that a serious effort has been made to do away with war and to assimilate it to murder as between individuals. This is due primarily to the fact that the World War brought us to a realization that wars could not be conducted in accordance with set rules, and that with the development of science and industry, war had ceased to be merely undesirable—it had become intolerable. The instruments of war had become so destructive and so far reaching as to threaten civilization itself. There thus developed a world-wide sentiment that the World War must be the "war to end war." Thereafter we must have a world system from which war would be excluded.

#### WILSON'S PROGRAM FOR A DURABLE PEACE

At this juncture the world looked primarily to Woodrow Wilson to devise the new world system which it thus ardently and rightfully demanded. He, of all the political leaders, had shown the most statesmanlike vision. He had led America into the war reluctantly, and only to assure that from its colossal destruction there would emerge a world structure designed to make peace durable. He had a duty and it was a duty to which he responded—more adequately than has, perhaps, been appreciated.

His task was to propose a world system from which force could be eliminated as a legitimate instrumentality of change. How had it ever become such a legitimate instrumentality? Because sovereignty turned national boundaries into barriers which obstructed and dammed up dynamic forces until they irresistibly burst through. The solution was then to mitigate the obstructive character of national boundaries and to provide areas within which the dynamic forces could peacefully diffuse themselves. Having created such an elastic world, it would then be practical to suppress resort to force and to unite the nations to this end. This, in essence, was the Wilsonian solution.

The extent of elasticity that could be created varied, of course, with practical conditions. Thus, he dealt separately with the seas; the colonial areas and the highly developed countries where the national system was already entrenched.

As to the seas, he proposed the freedom of the seas "alike in peace as in war."

As to the land (German colonies, Turkey, etc.) where it seemed practical to make a fresh start, he proposed the "mandate" system. Mandated territory would be held in trust and excluded from incorporation into any single national domain. The "open door" would prevail, providing equal opportunity to all nations to use and develop the economic resources.

As to the territory where the sovereignty system was already riveted, he proposed a large measure of both economic and political fluidity. To insure a greater economic freedom, there would be a "removal, so far as possible, of all economic barriers and an equality of trade conditions." To insure greater political elasticity, national boundaries would be subject to change by international action whenever their rigidity threatened the peace.

In a world where boundaries would thus cease to be barriers, war would have no further legitimate place. Accordingly he proposed the League of Nations and the guaranty of its members to unite to repress aggression.

It is significant that, of the 14 points, the proposal for a League of Nations is the last—not the first. The elimination of war was appropriate only as channels were otherwise provided for the peaceful diffusion of dynamic forces.



Wilson's program, of course, completely failed of realization. The peace treaty was barren of any reference whatever to the freedom of the seas. The mandate system was, in form, applied to ex-German and Turkish colonies. Actually the Wilson concept was so perverted that its intent was wholly defeated. The mandatory powers are, to all intents and purposes, absolute sovereigns; and the mandate system, instead of developing colonial areas in the general interest, merely confirms and extends the old concept of national domain. The treaty contains no provisions designed to eliminate trade barriers or to assure a measure of economic movement over national boundaries. The idea of treaty revision was accepted in form but, as in the case of mandates, nullified in fact. The Wilson draft of the Covenant of the League combined the boundary revision and the territorial guaranties into a single article, so that the League guaranty was not the guaranty of a rigid structure. In the final treaty the nonaggression covenant appears as an unqualified undertaking (art. X) supported by the sanctions of article XVI. The treaty-revision article is postponed to article XIX, where it appears as an isolated and diluted provision, for the application or enforcement of which no machinery is provided. It there becomes no more than a pious hope and is, in practical effect, a dead letter.

The only feature of this peace program which found place in the treaty was that for banding the nations together to prevent the use of force. This proposal, when isolated from its context, was, of course, highly acceptable to the victorious European powers. Their prime objective was to retain their war gains. If the treaty made no provision for peaceful change, and created an alliance to perpetuate the status quo, it would, they vainly thought, admirably serve their purpose.

Thus the treaty emerged as a triumph of the old principles of sovereignty. The world would be maintained as an area cut into numerous subdivisions by boundary lines serving as barriers to the interplay of dynamic forces. The pledge of mutual assistance against war merely meant that the barriers might, with apparent impunity, be made the more impenetrable.

This invitation to extreme nationalism has in fact been accepted. The consequences is that our post-war world not only perpetuates, but indeed accentuates, the conditions which have always been provocative of war. Peace efforts, instead of effecting some fundamental change in world system, have been left to develop along purely superficial lines.

#### ALTERNATIVE PEACE EFFORTS

Broadly speaking, the post-war peace efforts can be classified under three heads, which, for convenience, I term the "realist", the "intellectual", and the "sentimental."

The realists take no stock in anything but force. The war to stop change by force is, they say, to build up superior force committed to the maintenance of the status quo. France is the principal exponent of this theory. Her program for peace was to disarm those nations who might be suspected of desiring to alter the status quo and to create, out of the satisfied nations, an international army charged to maintain the peace. Falling at Paris to secure the international army, she accepted the League of Nations after it had been perverted into what was in effect an alliance to maintain the status quo. She developed the most formidable military establishments the world had yet known in peacetimes and buttressed her position with a series of military alliances designed to encircle Germany. On the other hand, she imposed very drastic disarmament upon Germany.

The inequality of force thus brought about was so striking that it seemed for a time to insure France's peaceful perpetuation of her status quo. Already, however, France is disillusioned. Change comes irresistibly. Germany bursts, one by one, the bands with which she was bound and military alliances become too costly to maintain or become unreliable in the face of changing conditions. In place of Poland, formerly a keystone of the arch, is now substituted Russia in a desperate effort to maintain a preponderance of force against the forces working for change. The disparity has, however, already shrunk to a point such that it no longer is relied upon by anyone to assure peace. France already sees a new European war as imminent and the outcome as doubtful.

Again it has been demonstrated, as so often before, that change cannot be suppressed by the piling up of resistant bodies. Military establishments and alliances may temporarily preserve peace. But if by peace is meant the perpetuation of a rigid, inelastic world structure, then such temporary peace is purchased at a high price. The vast military establishments merely mean that the war, when it comes, will be the more devastating; the military alliances, that it will be the more widespread.

Let us turn to the peace program of the intellectuals. They proceed on the assumption that, since war is the act of human beings, it can be stopped by will power, directed by reason. The intellectuals would doubtless be right if we could accept their premise that the mass action of human beings is subject to self-control in accordance with the dictates of pure reason. For there can be little doubt that the attempts to justify war do not stand the test of intellectual analysis. Such arguments as those premised on overpopulation or the need of raw materials can, one by one, be examined and found fallacious. I am quite prepared to concede that, as an intellectual achievement, war can be argued out of existence. There is nothing novel in proving war to be "the great illusion." Unfortunately it is equally possible to prove that illusions are the common incentive to human action. In a theo-

retical world of pure intellects the intellectual might have some chance of preserving peace. In the world as it is the most ineffective aid to peace is he who ignores the forces for change unless they can be rationalized to his satisfaction. While he stops to argue, he is engulfed by the forces to which he would deny existence.

The sentimentalist deals with more potent stuff. He looks not to reason but to emotion to stop war. If, he argues, enough people can be brought to feel that war is cruel or illegal or un-Christian, then people will not fight. The United States is the leading exponent of this school of thought. We were horrified when, after the World War, we awakened to the fact that war was "legal." In a sense we were relieved, for we felt this presents an opportunity to change the status of war. If we can change the label and make war illegal, it will no longer be respectable and people will not indulge in it. So a great popular movement formed to "outlaw" war. Under its impulse we negotiated the pact of Paris (Kellogg-Briand Pact), whereby all the nations solemnly agreed that force should be renounced and war thereafter become illegal.

Throughout the world, but more particularly in the United States, there has been a wide dissemination of literature, moving pictures, plays, etc., designed to portray the hideous cruelty of war. The church has sought with zeal to reemphasize the un-Christian character of war.

It is, however, quite certain that war will not be prevented by any of these methods. By appealing to sentiment we do, indeed, invoke a mainspring of human action, but it is one that is totally unreliable. If sentiment can be aroused against war, it can equally be aroused for war and by war. There is nothing that excites interest as much as a fight, and once a fight is in progress, it is human nature to become partisan. Our own people have in the past, by Washington and Jefferson and Wilson, been enjoined to be impartial in act and thought as between belligerents. In each case the injunction has fallen on deaf ears. Such neutrality is a psychological impossibility.

The love of excitement or of change of environment draws people into wars. Risks and perils, while they may be a deterrent, may equally be an attraction. Many whom peace condemns to stodgy monotony welcome the opportunity to become heroes in the eyes of their family and friends. Each war seems to have the facility of presenting itself in dramatic guises that appeal to our sentiment. We fought Spain as crusaders on behalf of oppressed Cubans. We fought Germany to make the world free for democracy. Most of the pacifists in England were quite prepared to fight Italy to sustain what they believe to be a sacred principle. A considerable element in France, genuinely devoted to the cause of peace, is ready to fight a "preventive" war against Germany, thereby sacrificing themselves in order that their children may not have to pay a greater sacrifice. What is nobler than that a man should give his life for a cause?

War can cast itself into any one of myriad molds designed to appeal to human sentiment, and if there are times when pacifist sentiment seems to be dominant, we can be sure that such sentiment cannot be relied upon as a durable preventive of war.

I have not made this review of post-war peace tendencies with any desire to disparage. The problem is sufficiently grave and difficult of solution so that all aids must be invoked. Any peace program must have the support of the realists, the intellectuals, and the sentimentalists and must incorporate features of their programs. It is, however, necessary to realize that nowhere do we find any current program for peace which stands the test of analysis. The protagonists of the different schools are themselves aware of their own inadequacy and their efforts are daily becoming feeble. Despite a vast sentiment for peace, there no longer persists any serious hope of ending the war system. The policies of every government are premised on force continuing as the accepted medium for effecting international changes. Peoples everywhere are stoically resigning themselves to the inevitability of another great war. Failure is admitted.

But what is it that has failed? Not the program which Wilson gave the world as the basis for a durable peace. That program has not failed—it has never been tried. Therein alone consists the failure. How can we fatalistically accept the unspeakable tragedy of another war without even trying intelligently to avert it? It is not as though the program were impracticable or one that involved great sacrifice. Let us reconstruct it in terms of its practical application to present conditions.

#### WILSON'S PROGRAM IN PRESENT-DAY TERMS

We would, in the first place, retain the principle of "collective security" as embodied in the League. The realists are right insofar as they contend that force can be wholly eliminated and tranquillity secured only through the establishment of some superior public force. Their error lies in thinking that any central force can be adequate to maintain the status quo of a rigid world. If, however, we create a reasonably flexible world, in which the normal dynamic forces can peacefully diffuse themselves, then the violence with which we have to cope is only such sporadic violence as is incident to occasional abnormalities.

We can usefully profit from our experience with the maintenance of peace within the individual state. It has there been demonstrated that, if order is to be maintained and violence avoided, it can be only as part of a social system which affords adequate opportunity for peaceful change. We cannot, consistently with peace, perpetuate the same laws, the same rulers, the same ruling



classes. We cannot deprive people of the opportunity to change their material, social, and political status according to their desires. The attempt to do this, and arbitrarily to perpetuate wealth, power, and position in certain individuals, always leads to revolution. No central force can be maintained sufficient to preserve such a rigid social order. If it is temporarily perpetuated, through force, the inevitable change, when it does come, is only the more violent and bloody and destructive. To this the French and Russian revolutions bear witness. On the other hand, if an elastic form of society is provided, then the dynamic forces peacefully diffuse themselves. Such violence as occurs is sporadic and due to abnormalities. The central police force required to suppress such occasional outbreaks need not be large or onerous to support, and the violence with which it has to deal is of insignificant proportions.

So it can and should be with the society of nations. Collective action should be available to keep the world at peace, but only provided we have a world which is elastic and fluid in its organization. That is, of course, the objective of the balance of the program.

Of first importance in this connection is the reestablishment of stable and readily interchangeable currencies. Without this, national boundaries become exaggerated as barriers to every type of international movement, whether it is of capital, goods, or people. Because each nation has exercised its sovereign right to do what it pleased with its own money, each nation has largely become a closed unit. If we are to achieve an elastic world, where national boundaries cease to be barriers to a reasonable freedom of movement, then this must be changed. The nations must recognize that stable international exchanges are the lubricant, without which international movement is impossible.

Unstable exchanges constitute only one, if the most important, of the economic barriers. Direct obstacles have been interposed, and these have been greatly increased since the time when Wilson spoke. Tariffs have been raised, quotas established, and other impediments prescribed. These obstacles must be greatly reduced if we are to have a reasonably elastic world. This, indeed, appears to be the present policy of our Department of State, where Secretary Hull has negotiated a series of reciprocal-trade agreements designed to open up the avenues of trade. If there were international agreement as to the objective to be attained, this program could be accelerated to assure progressively greater freedom for the international movement of goods.

As regards the international movement of people, there could well be some relaxation of the present extreme restrictions on emigration and immigration. Selectivity would, of course, be required, but the rigid prohibitions which have recently been enacted in many parts of the world should not become a permanent part of a world system which we are trying to render elastic within reasonable limits. In many parts of the world there used to exist temporary or seasonal emigration. These movements were mutually advantageous and could well be permitted to resume.

The foregoing program would be designed to organize the society of nations so that national boundaries would not be barriers to the reasonable movement of capital, goods, and people.

The attainment of political, as distinct from economic, elasticity, presents more serious problems as regards the highly developed nations. It is doubtless impracticable today, as it proved in 1919, to establish any international tribunal with power to alter existing national domains. It is thus not easy to find a method of implementing article XIX of the League Covenant (Revision of Treaties). Perhaps the most practical measure would be to provide that no treaty should be perpetual, but that all should require renegotiation on their merits at the expiry of reasonably limited periods of time. Such periods might vary according to the category of the treaty. Boundary treaties might, for example, have a longer normal tenure of life than commercial treaties.

It would, of course, be necessary to establish a fair compromise between the disturbing effect of political uncertainty and the avoidance of undue political rigidity. Certain types of treaties manifestly should not be reopened at frequent intervals, but it is difficult to see why any treaty should not be subject to renegotiation at least once each generation. If, for example, the semipermanent treaties were subject to denunciation by any party after 35 years, and would then expire after a further 5 years, this would seem to avoid excessive uncertainty and also give opportunity for adjustment to any changes which might be negotiated.

In such ways a considerable measure of political elasticity is obtainable. A further step might be achieved by the substitution of "unwritten law" for many treaties. It is through such a regime that there has been possible the political evolution of the British Empire into a commonwealth of nations. This has occurred peacefully throughout the last 150 years and in the way in which change should best occur, so gradually that it has been almost imperceptible except in retrospect. If at any time it had been sought to fix, by constitution or treaty, the relations to England of what were originally colonies, it is almost certain that we would have had repetition of our own war of independence. A status of political elasticity has made this avoidable.

Despite such devices as I suggest, a large measure of political rigidity must persist as regards home boundaries. If, however, we establish reasonable freedom for the movement of goods, capital, and people, boundary lines lose much of their significance. This is well illustrated by the relations of our own

sovereign States. The essential basis for peace between them is found in their renunciation of the right to interfere with interstate commerce. Subject to this, each State has retained a large measure of sovereignty—how large, we sometimes forget until reminded by the Supreme Court. Each State independently legislates as to all social, educational, and religious matters, has its own system of taxes and local government, its own courts, its own militia, etc. Legal, social, and material conditions do, in fact, vary greatly as between the States. Nevertheless, we all consider it a matter of quite secondary importance where State boundaries run. It is sufficient for the resident of New Jersey that he can invest his money in New York, or call on New York capital to finance his own investment that he can sell goods to, or buy from New York, and that he can, if he wishes, travel freely to or through New York.

Under these conditions, he cannot become aroused to fight to secure an annexation of territory from New York. These boundaries have remained substantially rigid and fixed for 150 years, and no ill consequences have flowed therefrom. They do not serve as barriers to the dynamic forces within the two States. We cannot, of course, expect for international commerce the same freedom which our States accord to interstate commerce. We can, however, obtain a sufficient approximation so that the boundaries of established States will assume far less importance than is the case today.

The economic and political measures which we have been considering are primarily applicable to the highly developed nations. If we turn to the colonial areas, a more ambitious program is practical. There the objective would be to install the mandate system in the spirit proposed by Wilson. Instead of the mandatory power in effect incorporating the mandated territory into his own political domain, he would be under a duty to administer it in trust, first for the advancement and well-being of the local population, and then for the benefit and equal opportunity of the whole world.

Mandated territory should be prevented altogether from falling into the sovereignty system where boundaries are barriers behind which some obtain advantages which are denied to those without.

It would have seemed, a few years ago, quite impracticable to propose any such general application of the mandate system. The Italian-Ethiopian conflict has, however, awakened the world to the obstacles to peace inherent in the present colonial system. In England an influential body of public opinion advocates complete revision of the present system of treating colonies as part of the national domain. If England, the greatest possessor of colonies, is in this mood, it would seem quite practical, as part of a general peace program, to carry into realization the vision of Wilson as to the "trusteeing" of colonial areas.

If we turn from the land to the sea, we would apply the Wilson concept of the freedom of the seas. This requires no important modification of the present status in time of peace. The seas have, happily, been kept free from subjection to any single sovereignty, although this has not always been without a struggle. In time of war the problem becomes more difficult. Belligerents have always sought to appropriate the seas to their own operation and neutrals have sought to preserve their own rights. Our new neutrality legislation permits to belligerents interferences with shipping which formerly were regarded as unwarranted. Such partial renunciation of the freedom of the seas is, perhaps, justifiable, assuming we accept the war system. We may then be warranted in voluntarily enlarging the arena dedicated to the combatants, in the hope that, as spectators, we will be less apt to become embroiled. If, however, the nations unite in adopting a comprehensive program for peace, then a wholly different attitude would be required. No rights on the seas should be accorded a nation which, under such conditions, breaks the peace. The freedom of the seas would thus prevail in war as in peace, except insofar as regarded the offender.

It will be seen that the foregoing constitutes a faithful application of the Wilson program. As to the seas, there would be complete freedom, in peace as in war, from the encroachments of individual sovereignty. As to the colonial areas, the mandate or trustee principle would be substituted for that of national domain. As to other land which is already highly nationalized, there would be a large measure of economic fluidity through the reduction of trade barriers and some degree of political elasticity through the periodic review of all treaties. We would thus have changed the society of nations so that peaceful movement and change would be facilitated and so that national boundaries would no longer be rigid and forbidding barriers. Having created such an elastic world, collective action is then appropriate to protect against violence. Its occurrence will then be due only to sporadic abnormalities which will diminish as we do away with national "inbreeding."

#### CONCLUSION

Does such a program carry conviction? Obviously it does not arouse enthusiasm as would a frontal attack on war. An international army, a league to enforce peace, an international covenant to outlaw war, a pledge of the masses to boycott war—such efforts can arouse the righteous fervor which comes only from hand-to-hand conflict with the forces of evil. When, however, we seek to alter the underlying conditions out of which war springs, then we must rely upon reason to hold us steady to our purpose. There are only rare occasions when this is possible.

That, in essence, is why Wilson's peace program was never tried. It was put forward at a time when emotion ruled. The revulsion



against war was intense and seemed in itself an adequate preservative of peace. If any further measures were required, surely the most direct and simple would suffice. Thus the League of Nations alone caught the popular imagination. It seemed to afford a direct and simple solution. The balance of the program, to which the League was, in fact, subsidiary, was ignored.

Today we are in a different mood. We have seen sentiment evaporate as an effective deterrent to war. We have seen the failure of the League to enforce peace, the failure of the pact to outlaw war. We are sobered by the very rapidity with which we have moved back into the war system. We are frightened by the strength of the forces that seem to have us in their grip. We may, indeed, be in one of those rare moods when we are prepared to seek salvation through following the guidance of our reason.

#### ADMINISTRATION OF THE SOCIAL SECURITY ACT

Mr. GLASS. Mr. President, I ask unanimous consent to have inserted in the RECORD an address recently delivered by Hon. Vincent M. Miles, member of the Social Security Board, before the chamber of commerce, Lynchburg, Va., April 9, 1936, explaining in some detail the administration of the Social Security Act.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

One of the finest of our early American traditions is that of the responsibility of society for all its members. As early as the Mayflower Compact, the sense of this responsibility was expressed. Throughout the history of this country provisions have been made for those who could not provide entirely for themselves. These provisions have not always been adequate. Our thinking about the causes, remedies, and means of handling the problems of economic insecurity has not always changed with the times. Indeed, until 1930 we were handling the dependency resulting from economic insecurity much as it had been handled under the old English law of 1602.

Today we as a Nation are getting under way a new, more nearly adequate, more orderly, and more economically sound and desirable method of handling economic insecurity. The problem is as old as civilization; the cost has always existed and always will. The methods proposed under the Social Security Act form merely a new approach to the problem, better adapted, we think, to modern industrial conditions and designed to give more adequate social security to our people as individuals and to our form of society.

The Social Security Act has been praised by its too-enthusiastic friends as a panacea to meet all our economic ills, and it has been denounced by its enemies as marking the destruction of our liberties if not of our form of government.

Of course, neither of these descriptions is accurate. The Social Security Act is simply a piece of legislation setting up the framework within which the Nation can work out a more orderly and efficient system of providing against the insecurities of life under present-day industrial conditions than we have had before.

It is not necessary to emphasize the extent of economic insecurity which exists at the present time. The millions on relief rolls constitute conclusive evidence that no one can deny. Nor need it be emphasized that the economic insecurity of the individual is a persistent problem that is with us during good times as well as bad. Even in the prosperity period of the twenties estimates indicate that an average of one-twelfth of the industrial workers were unemployed. It is estimated that even before the depression one-third of all persons over 65 years of age were dependent upon others for their support. There have always been hundreds of thousands of widows with dependent children, who were in financial need.

We realize that this insecurity of the individual and his family, which is so characteristic of modern industrial life, will steadily become intensified unless proper social measures are taken. We cannot count upon the passage of time or automatic economic adjustments to solve the problem for us, since the relative decline of self-sufficient agriculture, the steady growth of the division of labor, the interdependence of markets, and the increasing rapidity of change in all phases of our economic system make for ever-greater personal insecurity.

Before discussing in detail the provisions of the Social Security Act, it is necessary to mention that the provisions of the act are administered by several executive departments of the Federal Government, and that of those administered by the Social Security Board, a number call for action by the States and a continuing cooperative Federal-State administrative relationship.

The provisions of the Social Security Act are administered in part by the Social Security Board, the Treasury Department, the Children's Bureau of the Department of Labor, the Surgeon General of the Public Health Service, and the Office of Education of the Department of the Interior.

The portions of the act administered by the Social Security Board fall into three general categories—public assistance, unemployment compensation, and Federal old-age benefits.

Under the public-assistance category are the provisions for grants by the Federal Government to the States for aid to the needy aged, aid to dependent children, and aid to the blind. In relation to all three of these public-assistance provisions, action by the States is necessary, and a cooperative Federal-State relationship for administrative purposes is required.

The second major category of the three administered by the Social Security Board is that of unemployment compensation. In this respect, also, the Social Security Act is essentially an enabling statute, designed to aid the States in the administration of unemployment compensation legislation. The administration of the State unemployment-compensation law is a State responsibility performed in cooperation with the Federal Government in respect to certain fundamental requirements set up in the Social Security Act.

The third major category, of those administered by the Social Security Board, is that of the Federal old-age benefit system. This is an entirely federally administered program and is the only aspect of the act administered by the Social Security Board in which the States do not participate in administrative responsibility.

This new program is now a fact. It is under way. There need be no argument as to whether we ought to do something for the aged or for the unemployed. The system is law now. It is operating. Very great progress has been made in putting it into effect. Despite the fact that the Social Security Board had no congressional appropriation until February 11 of this year, the Board up until April 1 had approved plans for unemployment compensation or public assistance submitted by 32 States and the District of Columbia. For 8 of these States and for the District of Columbia unemployment compensation plans have been approved, and for 29 States and the District of Columbia public-assistance plans have been approved. These provide aid for the needy aged, needy blind, dependent children, or for all three.

Unemployment-compensation laws have been approved by the Board for the District of Columbia, Alabama, California, Massachusetts, New York, New Hampshire, Oregon, Wisconsin, and Washington. In addition to these States, Indiana, Mississippi, and Utah have unemployment-compensation laws which have not yet been approved by the Board. Thus we have a total of 12 States with unemployment-compensation laws. They cover approximately 40 percent of the total number of compensable workers who would be covered if every State came under the Federal-State unemployment-compensation program provided for in the Social Security Act.

Among the States with approved unemployment-compensation laws, seven have already received United States Treasury checks totaling \$337,253 to pay the cost of administering these State acts.

Employers in the eight States and the District of Columbia, in which approved unemployment-compensation laws are in effect, will be able to credit the amount of their contributions to their State unemployment compensation funds, for employment as defined for the purposes of the Federal tax, against the 1-percent Federal excise tax set up by the Social Security Act, up to 90 percent thereof. As you know, a uniform excise tax is levied on all employers of eight or more, with certain types of employment, such as agricultural labor and domestic service in private homes excepted. The tax will be collected by the Bureau of Internal Revenue on or before January 31, 1937, for the calendar year 1936. The rate for this year is 1 percent of pay roll; it will be 2 percent in 1937 and 3 percent thereafter. The proceeds will go into the General Treasury.

An employer can credit against nine-tenths of this tax the amount he has contributed to a State unemployment compensation fund for employment covered by the Federal tax. This State fund will be used to pay regular benefits—usually about 50 percent of wages, for 3 or 4 months, to workers who lose their jobs and cannot find new work.

For an employer to get this credit, a State unemployment-compensation law must be approved by the Social Security Board. The law must be a genuine unemployment compensation measure. Contributions when collected are to be deposited in the unemployment trust fund, of which the Secretary of the Treasury is trustee, for the account of the particular State and can be withdrawn only for the purpose of paying benefits.

The employer in a State having an approved unemployment-compensation law, after crediting against his Federal tax, up to 90 percent thereof, the amount allowed as credit for his payments under the State law, pays the remainder to the Federal Treasury. The Federal Government in turn makes grants to the States for the cost of administering the State laws. As I have said, seven States have already received such grants.

Among the 29 States and the District of Columbia with approved public-assistance plans, 27 have had old-age assistance plans approved; 18 have had plans approved for the needy blind, and 17 have had plans approved for dependent children. The District of Columbia and the following States have had plans approved for all three forms of public assistance: Maine, New Hampshire, New Mexico, Utah, Wisconsin, Wyoming, Arkansas, Idaho, Mississippi, Nebraska, Vermont, and Washington.

The number of persons benefited by the public-assistance plans now approved for States which have so far submitted estimates is approximately one-half million, divided roughly as follows: aged, 380,000; dependent children, 86,000; and blind persons, 17,000.

In States for which public-assistance plans have been approved by the Social Security Board, the Federal Government will match dollar for dollar, up to a combined Federal-State total of \$30 per month per person, the expenditures of a State for aid to the needy aged and the needy blind, and in the case of aid to dependent children \$1 for each \$2 disbursed by the States up to \$18 per month for the first child and \$12 per month for each additional child in any one family. An additional 5 percent of the Federal grants to States for old-age assistance and aid to the blind will be paid to the States to be used for paying administrative expenses, for assistance,



or for both purposes. The Federal grants-in-aid for dependent children include both assistance and administration.

Under the Social Security Act all personnel employed by the Board is recruited from the civil service, with the exception of attorneys and experts. The Board has followed the policy of having experts and attorneys qualified as such by the Civil Service Commission. The Board recognizes the necessity of developing a strong and competent administrative organization on a merit basis.

To this end the Social Security Board is devoting unsparing effort. In our selection of personnel for key positions we have been fortunate. After long and careful selection we have secured authorities in the field of administration for the positions of executive director and coordinator, and we have secured genuine experts for the key positions of director and associate director of the several line and staff bureaus and offices. Mr. Frank Bane, formerly executive director of the American Public Welfare Association, and well known in Virginia, is our executive director, and Mr. Henry P. Seidemann, an outstanding expert in governmental organization and administration, is the coordinator.

These men and the heads of the several bureaus and offices are proceeding slowly and carefully with the job of building up the administrative personnel of the Board, and every appointment, incidentally, is passed on in its final stages by the Board itself, after bureau directors, our personnel division, and the Civil Service Commission have approved the applicant as being carefully selected and fitted on the basis of merit for the particular job to be done.

The Board at the present time has some 350 employees. It is our goal to have no unnecessary employees and at all times to have every employee do an honest day's work for an honest day's wage.

There has been some critical discussion of the Social Security Act because combined in the same enactment are provisions for public assistance, unemployment compensation, and Federal old-age benefits. Why shouldn't all three be in one enactment? Is there any valid reason whatever? I think reasonable men will see none. Certainly none has been advanced as yet, even by those who launch the criticisms. I should like to take a few moments to consider in turn both sides of the argument, as they are applied, first, to the public-assistance provisions of the act; second, to the unemployment compensation provisions; and, third, to the Federal old-age benefits system.

#### I. PUBLIC ASSISTANCE

The provisions of the act relating to public assistance provide, as already explained, for Federal funds to be made available to the States on a matching basis for aid to the needy aged, to the blind, and to dependent children. One critic cannot understand why these provisions came to be included in the same act as those setting up unemployment-compensation and old-age benefits. He feels that these provisions were included because of what he calls the fear of Congressmen that they would be accused of lack of sympathy for the welfare of the aged, and of children, and of the blind.

The fact is, of course, that even in our highest prosperity the problem of old-age dependency was increasing, that during the depression it has become a more pressing problem with ever-greater rapidity, that only about half of the States had any legislation on the subject at all, that in some of the States lack of funds prevented the administering of such benefits as their laws provided, that in others the provisions were inadequate from a social point of view, that the demand and need for a more adequate system of old-age assistance were both very real, and that the only feasible way to provide a more adequate system promptly was through the use of the grants-in-aid principle, by which Federal funds could be made available to the States to make possible anything approaching an adequate program throughout the country.

Again, the provisions for public assistance are stated in terms implying that the needy aged—and here I quote from a recent critic—"become at one stroke wards of the Federal Government unless the States refuse to be coerced into subordinating their rights of self-government to the Central Government."

The same factual situation to which this fiery statement refers can be described with greater accuracy in quite another way. In the first place, the needy aged do not become wards of the Federal Government, although perhaps those that have gone hungry and friendless might not object if someone—even the Federal Government—sought to befriend them. The fact is that the States do not have to "subordinate their rights", and there is absolutely no element of coercion involved—except perhaps the inevitable force of the hungry and shelterless crying for assistance. Certainly the Federal Government does not coerce the States in this matter. Any State may ignore the public-assistance provisions of the Social Security Act forever, if it wishes. It may choose to meet the problem of the needy aged, of the blind, and of dependent children in its own way, entirely out of its own tax revenues. On the other hand, it may, if it wishes, receive Federal assistance in meeting these problems. It is entirely up to the State.

From still another quarter the comment is made that the old-age assistance provisions of the act are too lavish—too open-handedly generous. Anyone who has tried living on less than \$1 a day, making this cover not merely food, but also clothes, lodging, and every other expense, without exception, will hardly feel that provision by a State, in cooperation with the Federal Government, of \$30 a month to a needy aged person represents an expansion of the assistance program "beyond legitimate requirements." Whether or not States with inadequate assistance pro-

grams in the past could or would in the future provide more adequate programs is something about which it is idle to speculate. The fact is that the trend was toward less adequate State programs of assistance rather than toward excessively generous ones.

Finally, it should be emphasized that the administration of the State public-assistance plans is the responsibility of the States. The Federal Government's function, aside from making grants of funds, is to supervise only to the extent of seeing that these funds are expended in accordance with the conditions under which they are granted—and anyone interested in good governmental administration will agree that this is the indispensable minimum. So much for the public-assistance provisions of the act.

#### II. UNEMPLOYMENT COMPENSATION

The Social Security Act is based in part upon the proposition that action by the Federal Government is necessary in order to facilitate adequate provisions against insecurity. In relation to unemployment compensation, for example, for a number of years consideration of this subject by the States met the objection that no one State could act alone, because to do so might subject its employers to unfavorable competition in relation to those in States not enacting unemployment compensation legislation. The Social Security Act, in relation to unemployment compensation, is an enabling act, facilitating passage of unemployment compensation legislation by the States.

The effect of the excise tax set up in the act is to remove or decrease the possibility of an economic handicap to a State enacting unemployment compensation. The tax is thus the factor which makes State unemployment compensation laws possible without subjecting the individual State to the possibility of an economic handicap in relation to States having no such legislation.

The criticism is made that the States—and here I quote a recent critical statement—must "rigidly conform to standards dictated by the Federal statute." This is distinctly an overstatement, to say the least. As a matter of fact, the States are left the widest latitude in terms of their State unemployment-compensation acts. They may be of the pooled-fund type or of the individual-reserve type, or they may be a combination of both. They may provide for merit ratings, or they may not, in accordance with the desires of the individual State legislatures. They may apply to employers of one or more persons or eight or more persons, or, indeed, to employers of any number of persons, as a State legislature sees fit. They may provide for waiting periods before benefits are paid or they may not. The benefits may be large or small in accordance with the desire of the individual legislature. Employees may be made to contribute or they may not. The only requirements which the State unemployment-compensation legislation must meet are a few basic provisions which, as a matter of fact, are necessary to unemployment compensation legislation as such. In connection with grants of Federal funds for the cost of administration, the State act must meet certain provisions guaranteeing the efficient administration of the funds for the purpose granted.

The statement that the unemployment compensation provisions of the Social Security Act "deprive the States of full opportunity for developing systems adapted to their diverse employment conditions"—a criticism recently made—is simply not true. As indicated before, the States may devise unemployment compensation plans specifically adapted to their diverse unemployment conditions. In fact, the recognition of the diverse conditions in the various sections of the country was taken into consideration in the framing of the Social Security Act.

The criticism is sometimes made that the Social Security Act requires the States to turn over their unemployment compensation funds to the United States Treasury. It does nothing of the sort. It does require them to deposit the funds in an "unemployment trust fund" of which the Secretary of the Treasury is the trustee. This is an entirely different proposition. The characteristics of a trust fund are sufficiently well known so that it is hardly necessary to point out that these moneys when deposited in this fund are still the property of the States, to be withdrawn at any time.

Of course, if States should withdraw these funds for other than the payment of unemployment-compensation benefits, the Social Security Board would have to suspend its approval of the State unemployment compensation legislation in the particular case. The thought that the State's money will have to be transferred to Washington is not correct. The State merely deposits its unemployment-compensation funds with the nearest Federal Reserve bank. The point is that the funds remain the property of the State, even when deposited under the trust fund. This is a safeguard for the worker without taking the money from the States.

The unemployment-compensation provisions of the Social Security Act define the conditions under which the States can give recognition to favorable employment experience of individual enterprises. The States may, if they wish, legislate merit-rating provisions into their acts. A period of 2 years is provided during which contributions will be paid before any benefits are permissible. During that time experience on the employment stability of individual enterprises will be gained, and if a State legislature should so elect, merit-rating provisions may go into effect.

#### III. FEDERAL OLD-AGE BENEFITS

The system of Federal old-age benefits provided by the act is designed to give definite retirement benefits, payable monthly, beginning at age 65, to workers who qualify for them and who are not regularly employed. This is the biggest job which the Social Security Board has to administer. It is the only part of the social-security



program which is entirely federally administered. In this connection the Board, through its proper bureau, will maintain individual records showing the earnings of approximately 26,000,000 persons covered by this provision of the Social Security Act. It will examine and approve payments to individuals who have attained the age of 65, and payments to the estates of deceased persons as provided for in the act. Under the old-age benefits system, payments will be made to qualified beneficiaries based on wages and not need.

The act provides for an income tax on employees and an excise tax on employers. Taxes will be paid only on the first \$3,000 of wages paid to any individual in any one year by any one employer. Benefits are payable in relation to the total wages received by an employee on the basis of a formula which roughly proportions the benefits to the wages earned. The findings of the Brookings Institution in its study entitled "America's Capacity to Consume" show that by far the greatest percentage of workers' families in the United States even at the height of our prosperity in 1928 and 1929 had incomes which made it very difficult for them to save anything. Something like 71 percent of the gainfully employed earned less than \$2,500 a year, and more than 42 percent earned less than \$1,500 a year. More than 21 percent had incomes of less than \$1,000. The attempt to support a normal-sized American family of four persons on \$1,500 a year, when all the energies of business were concentrated on persuading the individual to spend his whole income, and then to fall back on installment buying, could not allow for any great degree of saving.

The Federal old-age benefit plan presupposes the desirability of setting up a governmentally administered old-age benefit system in view of the fact that after many years of development under the leadership of individual business management, it is estimated that the privately administered pension plans in effect at the time the Social Security Act was enacted would ultimately pay benefits to approximately 4 percent of the persons engaged in the employments covered by the Federal old-age benefit system. In other words, if private pension plans were depended upon to do the job, anything like benefits on an adequate scale would be a development of the distant future. In view of the social and economic necessities of the time, to wait for this indefinite future development would be socially and economically undesirable, if not actually dangerous.

The trend among leading concerns for private benefit plans is to modify them and to superimpose them, so to speak, upon the Government plan, rather than to abandon them. A recent study by the National Industrial Conference Board shows that the establishment of a Federal old-age benefit plan has met with hearty approval from a large number of companies now having private benefit plans and is welcomed by the most able and efficient employers.

Criticism has been made of the provisions for reserves on an actuarial basis in connection with the Federal old-age benefit system. The fact is that the reserves provided for would not become large enough to be a problem for 10 or a dozen years, during which time the entire subject—whether reserves are or are not desirable—can and will be studied. If in the years available for this study before the reserve becomes large enough to be a real problem it becomes evident that the actuarial basis should not be applied in a governmental benefit system, it would seem that there would be plenty of time to change it. Certainly before 1980, the date at which the theoretical reserve will be so large as to be very dangerous, according to its critics, the country should have enough experience to know whether the maintenance of a reserve system is desirable or not.

Because of the taxes on pay rolls, the statement has been made that the effect of the act will be to stimulate increased use of labor-saving machinery and hence to depress employment. To this two comments should be made. First, mechanization is going on as fast as possible in all well-managed industries anyhow, and all the time. Indeed, mechanization has advanced so rapidly during the depression as to complicate gravely the unemployment problem, and perhaps to change very greatly the nature of the problem as we knew it in 1929. In highly mechanized industries the cost of labor is relatively small. Hence the 1-percent tax on wages paid in 1936 will not be a large factor in the cost of production. Quite likely it will not be a large-enough factor to justify more mechanization. For it must be remembered that mechanization has its costs which must be amortized over a period of years. Unless mechanization "pays" it will not come any the faster because of the pay-roll tax. If it "pays" it will come anyway.

In those cases in which mechanization is increased it will act as a factor of economy, and should—under sound business management—be reflected in lower prices, which, in turn, will increase real wages to workers and provide an ever-expanding market for greater and greater production. In short, an increase in employment rather than a decrease is perfectly possible.

The stabilizing of purchasing power as a result of the unemployment compensation systems should not be overlooked as one of the desirable economic effects to be expected from the social-security program.

Finally, some of those who do not approve of the Social Security Act sometimes speak of the costs which it adds to business. Just consider for a moment a very simple statement of economic fact—not theory. I refer to the fact that business activity—such as industry, commerce, and agriculture—has to carry the burden of maintaining the entire population in any case. Business carries this cost now, and always has done so. The costs of providing

against economic insecurity are not new, suddenly invented by the sponsors of this legislation. The only thing which is new is the attempt we are making to carry out a more orderly social accounting of the cost. Unemployment and old-age dependency are by-products of our industrial age. They did not exist, comparatively speaking, in the older agricultural economies. They become more intense as burdens as our industrialization progresses.

Industry, either directly or indirectly, bears the brunt of the cost. Under the Social Security Act there is a recognition of the fact, and by way of the pay-roll tax the cost becomes quite legitimately a part of the cost of production. There is no way in which our industrial society can escape the cost of caring for those whom it cannot or will not employ.

The Social Security Act proposes to introduce a more orderly and efficient social method into the handling of these problems than we have had before.

In the statement of the purposes of the act I have attempted not to assume a partisan attitude. Under the British system of government each important department has a minister, who is an advocate for legislation affecting his ministry. No such thing exists in this country.

I still believe that the combined judgment of the electorate is a fair test of the soundness of any governmental policy. Anthropologists tell us that the difference between a man and a monkey is a man's forebrain. He uses it to have an understanding, and when he has an understanding he can make a decision.

I, therefore, feel that it is the duty of every patriotic citizen to inform himself with reference to the matters about which I have just spoken. If this program is a good program and soundly thought out, it will last; if it is entirely bad, it will be repealed; but if it is neither, and there are any mistakes in it, they will be corrected. The Social Security Board invites constructive criticism. We are tackling this job in a spirit of humility; we are not "high hat."

It is the citizen's duty to advise himself of the situation in his State and to discuss the character of State acts with members of his general assembly and with his Governor. There is one thing you can accomplish by informing yourself on this whole subject, and that is to relieve yourself from the influence of uninformed criticism. When you do meet such, you will recognize it.

The provisions of the Social Security Act have been called labyrinthine caves, and the act itself has been referred to by one critic as the new Mammoth Cave.

If such references are based upon correct information, we can have no quarrel with them; if not, they are not worthy of consideration. To illustrate this point, I, upon one or two occasions, have stated publicly that when the good American citizen reads the Social Security Act he is like the Arkansas Delta Negro who was drafted in the World War. He was placed in the labor battalion, trained for a short period, loaded on the train, and shipped to the coast for transportation overseas. He was kept back from the ocean until time to load the boat; then he was marched down to the sea at night and placed in the hold. About 10 o'clock next morning, when the boat was well out on the ocean, he was permitted to come up on deck. He stuck his head above the rail, threw up his hands, and yelled, "Good God, de levee done broke."

I call upon you to determine whether the flood is a damaging and destructive flood, on the one hand, or is the type of flood that is turned out of irrigation ditches in the Rio Grande Valley and California to make good things grow. It is my judgment that it is such a flood as those which occur in the valley of the Nile, in that it places fertility upon barren places and causes things that are both beautiful and life-sustaining to grow where they never grew before.

#### OLD-AGE PENSIONS

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an address on the subject of old-age pensions delivered by Judge R. L. Williams before the Oklahoma Federation of Women's Clubs at Muskogee, Okla., on April 2, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Madam Chairman and members of the Oklahoma Federation of Women's Clubs, with hesitancy I accepted your invitation to talk to you on the subject of old-age pensions. On account of the judicial position I hold I will not express an opinion relative to such matter but call your attention to some excerpts from decisions of courts on the subject. An initiative act which passed in this State in December last appropriating two and one-half million dollars to be applied for the relief of the needy aged, infirm and crippled, and destitute, creates a State welfare board composed of the Governor, State treasurer, and adjutant general, and further provides that the county commissioners of the several counties shall constitute a welfare board for each county. On yesterday the National Security Board held that this set-up entitled the State to receive aid under the Federal Security Act to the amount of 50 percent under the terms of said act for the benefit of the needy over a certain age and for crippled children and other purposes. It is settled by the decisions of the Supreme Court of the United States that the Federal Government may appropriate and allot to the States moneys in aid of projects which the States are authorized to carry on under their State constitutions and statutes not in conflict with the Federal Constitution.



In *State v. Osawakee* (14 Kans. 419), Mr. Justice Brewer, afterward a Justice of the Supreme Court of the United States, said:

"The relief of the poor—the care of those who are unable to care for themselves—is among the unquestioned objects of public duty. In obedience to the impulses of common humanity, it is everywhere so recognized. . . . It must be borne in mind, however, that the term 'poor' is used in two senses. We use it in one sense simply as opposed to the term 'rich.' Thus, we speak of the ordinary laborers, mechanics, and artisans as poor people, without a thought of describing persons who are other than self-supporting. Indeed, the large majority of our people are poor people, and yet they would feel insulted to be told that they were objects of public charity. We use the term also to describe that class who are entirely destitute and helpless, and therefore dependent upon public charity. The dictionaries recognize this twofold sense. Thus, Webster gives these definitions: '1. Destitute of property; wanting in material riches or goods; needy; indigent. It is often synonymous with "indigent" and with "necessitous", denoting extreme want. It is also applied to persons who are not entirely destitute of property, but who are not rich; as a poor man or woman; poor people. 2. (Law.) So completely destitute of property as to be entitled to maintenance from the public.' Now, when we speak of the relief of the poor as a public duty, and one which may justify taxation, we use the term only in the latter sense. We have no thought of asserting that because a man is not rich, or even because he has nothing but the proceeds of his daily labor, therefore, taxation may be upheld in his behalf. Such taxation would be simply an attempt on the part of the State to equalize the property of its citizens. Something more than 'poverty', in that sense of the term, is essential to charge the State with the duty of support. It is, strictly speaking, the pauper, and not the poor man, who has claims on public charity. It is not one who is in want merely, but one who, being in want, is unable to prevent or remove such want. There is the idea of helplessness as well as of destitution. We speak of those whom society must aid as the dependent classes, not simply because they do depend on society, but because they cannot do otherwise than thus depend. Cold and harsh as the statement may seem, it is nevertheless true that the obligation of the State to help is limited to those who are unable to help themselves. It matters not through what the inability arises—whether from age, physical infirmity, or other misfortune—it is enough that it exists. It is doubtless true that in the actual administration of the poor laws many who are not properly entitled thereto receive public support; but failures in the administration of laws do not change the principles upon which they must rest."

In *Jones v. City of Portland* (245 U. S. 217) it is stated:

"It is well settled that moneys for other than public purposes cannot be raised by taxation, and that exertion of the taxing power for merely private purposes is beyond the authority of the State."

In *Green v. Frazier* (253 U. S. 238) it is said:

"This legislation was adopted under the broad power of the State to enact laws raising by taxation such sums as are deemed necessary to promote purposes essential to the general welfare of its people. Before the adoption of the fourteenth amendment this power of the State was unrestrained by any Federal authority. That amendment introduced a new limitation upon State power into the Federal Constitution. The States were forbidden to deprive persons of life, liberty, and property without due process of law. What is meant by due process of law this court has had frequent occasion to consider. . . . The due process of law clause contains no specific limitation upon the right of taxation in the States, but it has come to be settled that the authority of the States to tax does not include the right to impose taxes for merely private purposes. . . . It is claimed, however, that the citizen is deprived of his property without due process of law, if it be taken by or under State authority for any other than a public use, either under the guise of taxation or by the assumption of the right of eminent domain. In that way the question whether private property has been taken for any other than a public use becomes material in this court, even where the taking is under the authority of the State instead of the Federal Government."

To levy taxes to raise money to be expended by the Government, or under its direction and supervision, in the support of those who are actually destitute, helpless, and dependent upon the Government or private charity for shelter, food, and clothing is a proper function of the Government and not inhibited by the fourteenth amendment. But to levy taxes to be collected and paid over to citizens or residents of the State solely because they have reached a certain age and do not have an income, which in the opinion of some is not sufficient, or if they have adequate income if it comes in the way of pension from other source and without regard to how much property they may have, and without regard as to whether they have infirmities which render them helpless and therefore destitute, and without regard as to whether they are able but decline to obtain employment, which money so handed over to them becomes their own to be expended free from the control or supervision of the State and which may be spent either for themselves or for others, is a question for serious consideration, in view of the agitation for the adoption of various so-called old-age-pension provisions.

I have not noticed any public discussion as to any limitation of the power to provide for old-age pensions by taxation. For that reason I have called your attention to these decisions.

In *State v. Edmondson* (88 Ohio St. 625, 89 Ohio St. 351, 106 N. E. 41) it was held that a statute levying taxes for the support

of certain classes which made no provision "to insure the application of the money to the support of the individual or to prevent him from becoming a public charge, or in any manner to control its use by him", was evidence on its face that the taxes were not levied for a public purpose, but that it was a "gratuitous annuity, a gift pure and simple, and, being so, the legislature is without authority to make it from the public funds."

"Taxation originates from and is imposed by and for the State" (*Allen v. Jay*, 60 Me. 128; *Hanson v. Vernon*, 27 Iowa, 27, 47; *Matter of Washington Avenue*, 69 Pa. St. 352, 363; *Sharpless v. Mayo, etc.*, 21 Pa. St. 147).

In *Busser v. Snyder* (128 Atl. 80 (Pa.)) was under consideration an act which had provided for paying pensions to persons above the age of 70 years who were and had been citizens of the State for 15 years, excepting, however, persons in prison, insane asylums, or reform institutions, and persons who had deserted wife, husband, or child, professional tramps and persons who had children or other relatives financially able to support them, and persons whose property, or whose property in conjunction with the property of his or her spouse, exceeded in value \$3,000; and further provided, that where assistance was given to one having property, on the death of that person, the State should be repaid the amount given as assistance from the recipient's estate with interest at 3 percent per annum. The amount to be paid under the act was \$1 per day. The court in its decision distinguishing that act from acts granting pensions for military service said:

"Pensions or gratuities for military service are in the nature of compensation for a special and highly honored service to the State, implying the idea of a moral obligation on the part of the Government; charity and benevolence are not founded on this consideration."

The court held it was within the constitutional power of the State to appropriate money with which to support the destitute and helpless who were without ability or means to sustain themselves and said:

"They become direct charges on the body politic for its own preservation and protection. As such, in the light of an expense, they stand exactly in the same position as the preservation of law and order. To provide institutions, or to compensate such institutions, for the care and maintenance of this class of persons, has for a long time been recognized as a governmental duty. . . . The expenditure of money for such purposes is and long has been recognized as a function of government."

The Supreme Court of New Hampshire, in *re Opinion of the Justices* (154 Atl. 217), said that a law making age the only test of relief would violate the constitutional prohibition against taxation for private purposes and also violate the constitutional principle of equality of rights, and further that statutory classification, to be valid, must reasonably promote some proper object of public welfare or interest, and may not be sustained where the selection and grouping is so arbitrary as to serve no useful purpose of a public nature. And cited a long list of authorities to show that when the pension is granted it must be to those who are unable to support themselves either in whole or in part and who have no relatives able and willing to support them and responsible for such support under the law.

On January 4, 1917, whilst Governor of the State of Oklahoma, I transmitted a message to the legislature, from which I quote, as follows:

"It is equally as high a duty for the State to look after its unfortunate—the infirm, the sick, afflicted—as much so as it is essential to educate the mind. The question of the care of the poor all through Anglo-Saxon government and development has been a matter of local or municipal concern, but in modern development and efficiency in some States it is also being done through State agencies. . . ."

"I recommend that you consider the advisability of establishing a State home for the aged and infirm and of converting some State institution that is already existing into such a home. The State can have its farm and its hospital and all the agencies to make such a home a success without so much expense per capita as is occasioned by counties."

During the session of the Fifth Oklahoma Legislature, whilst I was Governor of the State (see Session Laws, 1915, ch. 246, art. 1), what is known as the workmen's compensation law was passed and approved March 22, 1915. The placing of said act into effect disclosed that some former employees who had passed the age of 50 years, on account of the passage of said act, were not as desirable employees, in that younger employees were more readily accepted.

It was contended that this was on account of the fact that the manufacturer would be more liable for compensation on account of accidents or sickness where the employee had reached the age of 50 years or more, that the younger employee was more desirable and less hazardous. We then began to investigate as to the power of the State, as well as the advisability, to provide State compensation in that particular contingency for former employees who were thus thrown out of employment on the theory that the passage of the act precipitated such condition causing the former employee who had reached 50 or more years of age to be at a disadvantage in procuring initial employment after the passage of said act, yet who in fact were efficient, the liability for compensation being more likely in his case than that of a younger person, and also contemplating the passage of an act prohibiting the discharge of any employee who continued or was taken into employment on account of age after the passage of the act and the placing in operation the Compensation Act. However, our Nation was swept into the World War before we were able to complete this investigation as to the limitations of the fourteenth



amendment resting upon the State in such matter, and then for a year and a half the resources of our State were directly solely toward the support of the Federal Government in that great conflict. After the war there was such an apparent era of prosperity that it was thought then we would have the poor with us no longer. These problems now confronting us have to be met with common sense and fidelity and we must discharge our duty to the poor and the helpless and the indigent in the light of what is right, at the same time measuring the fundamental limitations of our Government. These problems should be worked out carefully, justly, honestly, and efficiently. I am not attempting to decide these fundamental questions, but I call same to your attention for they must be considered, for if these provisions become a law undoubtedly their constitutionality will be tested.

The act of Congress of the United States approved August 14, 1935, which is known as the Federal Social Security Act, sections 1 to 6 of which provide for old-age assistance; sections 1001 to 1006 aid to the blind; sections 401 to 406 aid to dependent children; sections 501 to 505, aid for maternal and child health; sections 511 to 515 aid for crippled children; section 521 aid for child welfare; sections 601 to 603 aid for public health, contemplates a State plan providing for each type of assistance, aid, or service which must be submitted by the State to the designated Federal administrative agency for approval, and meet its approval before Federal assistance is granted.

There are eight kinds of new grants-in-aid provided in the Social Security Act as well as an additional appropriation for vocational rehabilitation. In five instances grants are conditioned upon stipulated matching expenditure by the States under plans which meet stated requirements and have been formally approved by a designated Federal agency. These five include grants-in-aid of State expenditures for the promotion of maternal and child health (title V) and of State assistance to four types of needy individuals, to-wit: aged persons (title II), blind persons (title X), dependent children (title IV), and physically handicapped children (title V). In two cases, that of grants-in-aid of public health services (title VI) and in aid of child welfare services in rural areas (title V), no conditions are attached to the Federal grants except that the funds be expended by the States for the general purposes for which the grants are made. The eighth grant is designated to finance the entire cost of administration of unemployment compensation in States which have approved plans (title III).

Disregarding the last-mentioned grant, which is for purely administrative ends, much the largest expenditures are contemplated in the field of old-age assistance, and the amount appropriated for this grant is more than the total of the appropriations for all the other grants-in-aid. States that meet specified conditions will be given half of their total disbursements for their needy aged (other than those maintained in public institutions), with the limitation that in computing the Federal share anything paid by the State to any one person in excess of \$30 in 1 month will not be counted.

The actual amount of assistance to be paid by the various States is left to their own discretion. The chief conditions which must be met for Federal approval of a State old-age-assistance plan are:

1. Financial participation by the State.
2. Establishment of a State supervisory administrative authority.
3. Right of appeal of applicants for assistance to this State authority.
4. An administrative plan which is deemed satisfactory by the Federal administrator.
5. The granting of assistance at least to all persons of qualifying age (70 years until 1940, 65 years thereafter) who are citizens that have resided in the State for 5 years or more within the 9 years immediately preceding application and are without reasonable subsistence income.

The failure to include in these conditions a specific monetary amount for the minimum State old-age assistance allowable is an acknowledgment of the great regional variations in cost and standard of living in the United States.

Approximately the same conditions as those required for the old-age-assistance grant must be met by the States in qualifying for the Federal grants-in-aid for assistance to the blind and to dependent children. The grant for the dependent blind is like that awarded for the dependent aged, i. e., 50 percent of the State expenditures, but in the case of assistance to dependent children the Federal offer is only one-third (instead of one-half) of the amount spent by the State. The grants for aid to crippled children and to maternal and child-health services are stated in terms of definite money amounts to be divided among the States with the requirement that the States make specified appropriations from their own treasuries.

The program of Federal aid to the States conditioned upon State expenditures involves no Federal guaranty of aid to needy or handicapped individuals unless the State participates. Some States may make no provision, and, unless the individual State is willing to bear its part of the burden, no Federal contribution will be payable. Experience indicates, however, that the Federal offer to match State expenditures does stimulate State action, and it may be anticipated that increased provision will be made for these dependent groups as a result of the Federal offer to share the cost with the States.

The grants for the promotion of general public health services and child-welfare agencies in rural areas (stated in terms of specific monetary amounts), as remarked previously, are not conditioned upon any State appropriations for the specified services.

In the case of the grants-in-aid of assistance to the aged and the blind and to dependent children, and of the grant for administration of unemployment compensation schemes, the Federal agency from which approval of State plans must be elicited, is the Social Security Board. The Children's Bureau in the Department of Labor is given administrative control of the grants for maternal and child health, for crippled children, and for child welfare. The Public Health Service is directed to administer the grant-in-aid of general public-health services (title VI).

The following States, in addition to Oklahoma, have submitted plans which have been approved and allotments made as follows:

#### Old-age assistance:

Alabama	\$105,000.00
Delaware	83,075.00
Iowa	548,100.00
District of Columbia	47,250.00
Maryland	168,000.00
Michigan	346,500.00
Mississippi	183,750.00
Missouri	315,000.00
Nebraska	347,130.00
New Hampshire	58,800.00
Rhode Island	30,000.00
Vermont	43,544.34
Washington	420,000.00
Wisconsin	393,750.00
Wyoming	55,944.00
Idaho	157,500.00

#### Aid to the blind:

Arizona	4,725.00
Connecticut	5,520.00
District of Columbia	9,450.00
Idaho	6,300.00
Maine	26,250.00
Mississippi	8,820.00
Nebraska	15,540.00
New Hampshire	5,040.00
North Carolina	3,324.99
Wisconsin	52,149.99
Wyoming	4,161.40

#### Aid to dependent children:

Arizona	32,120.00
Alabama	48,000.00
District of Columbia	45,810.56
Idaho	10,133.33
Maine	39,555.33
Maryland	92,400.00
Mississippi	32,355.33
Nebraska	75,878.00
New Hampshire	8,720.00
Washington	95,505.00
Wisconsin	200,000.00
Wyoming	8,696.53

#### Unemployment compensation:

New Hampshire	44,188.32
New York	181,949.41
California	39,943.74
Wisconsin	17,669.91
District of Columbia	12,239.25

New York State, with a population of 12,588,066, as against that of Oklahoma of 2,396,040, or 5.25 times as great, in the fiscal year, July 1, 1933, to June 30, 1934, paid a total in old-age pensions of \$12,441,921 without Federal Government aid. There was an average number of pensioners on the rolls during that year of 51,272, and drew an average of \$20.22 per month each.

In December 1935 New York State had only 57,878 pensioners on the rolls, and was paying them an average, without Federal aid, of \$21.31 per month each.

The New York law has been in effect since September 1, 1930.

Using the maximum number on their rolls in December 1935, namely, 57,878, and which after more than 5 years of operations, and figuring on the basis of ratio of population, then Oklahoma should only have a maximum of 11,024 on her rolls at the end of a 5-year period. Figuring the maximum allowance from the State of \$15 per month as the average, then old-age pensions or aid in Oklahoma should not cost above \$1,948,320 per year, not including a like amount as aid from the Federal Government under the Social Security Act.

New York State has a much more rigorous climate, largely urban population, and population much more dense, and with living costs, want, and distress much greater, and therefore proportionately should have a much larger percent of her population on the pension rolls.

The State of Michigan, with two and two one-hundredths times our population, with a colder climate and higher living conditions, at the present time has only about 20,000 old-age pensioners on their rolls.

Figuring on the basis of ratio of population and paying the maximum of \$15 per month on the part of the State, then Oklahoma should have 9,901 pensioners on the rolls and at a cost to the State of only \$1,782,180 per year.

The State of Massachusetts, with one and seventy-seven one-hundredths times our population, much more unfavorable climate, larger percent of urban population, and almost wholly industrial, on February 1, 1936, only had 26,168 old-age pensioners on their rolls. Figuring on the basis of ratio of population



Oklahoma should only have on her rolls 14,784 pensioners, and paying the maximum of \$15 per month, it should only cost Oklahoma \$2,661,120 per year.

The State of Iowa, with 1.03 times our population, on June 30, 1935, had only 10,120 old-age pensioners on their rolls; and, figuring on a basis of ratio of population, Oklahoma should only have on her rolls 9,825 pensioners; and, paying them the maximum of \$15 per month, the total cost of old-age pensions or aid to Oklahoma should be \$1,768,500 per year.

As the initiative act passed last December creates the State welfare as well as the county welfare boards to handle such matters, being a State-wide comprehensive act, our State has a set-up now which can act without constitutional amendment and has the power to make appropriations for the maintenance of the aged and infirm where it does not violate the fourteenth amendment. By special provision in the Oklahoma State Constitution the several counties of the State (sec. 3, art. 17) are empowered as the legislature may prescribe to provide for those inhabitants who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of the county. The fact that the county is thus specially authorized to render such aid does not operate to take that authority away from the State through act of the legislature. Section 36, article 5, of the constitution provides:

"The authority of the legislature shall extend to all rightful subjects of legislation, and any specific grant of authority in this constitution, upon any subject whatsoever, shall not work a restriction, limitation, or exclusion of such authority upon the same or any other subject or subjects whatsoever."

The legislature of the State may provide for those inhabitants who by reason of age, infirmity, or misfortune may have claims upon the sympathy and aid of the State, and may resort to all proper subjects of taxation to raise this fund without additional amendment of the Constitution. The expeditious action upon the part of the legislature, which has unlimited power by means of direct inheritance, excise, income, and every subject of taxation except on an ad-valorem basis, to raise the revenue sufficient to cooperate with the Federal Government in the operation of the Federal Social Security Act in carrying aid to the needy, aged, and infirm so that the maximum amount of aid in such cases will amount to \$30 per month and also extend the aid to crippled children and to promote health and carry out all other such aid provided for in the Federal Social Security Act.

As you had made the earnest request that I make this address, I have brought these matters to your attention to aid you in the consideration of your proper action in the premises.

In the invitation extended to me to make this address I was requested to cover the old-age-pension matter and have accordingly directed my attention to the matters as herein outlined. The Federal Government having provided aid as to this matter and it being essential to the State to enact and provide a plan to meet these conditions, I thought it advisable to call attention to the limitations imposed by the fourteenth amendment on the State, and the decisions from State supreme courts relative thereto. That being so it seems to me that the State should speedily act, but be reasonably sure that the plans are within these limitations, and get this aid to the needy with the greatest speed. Then if the parties that are agitating further extension, we can consider that later, for if we go that far now it will lead to litigation and delay. In other words we should travel along a safe line so as to speedily obtain this assistance for the needy aged and the needy infirm and to aid unemployment and aid dependent children and aid maternal and child welfare and aid public health. Endeavor to get this relief, but in doing so we should exercise reasonable care not to adopt State constitutional provisions or State laws that may not meet the test of the fourteenth amendment, and to exercise such care to stay within safe limits and speedily get this assistance. Then if there are those that want to go further, then they may try that feature out later, but for the present we should try it out on safe lines.

[From the Tulsa (Okla.) World of Apr. 5, 1936]

LAW VALIDATES OLD-AGE FUNDS—CONSTITUTIONAL AMENDMENT UNNECESSARY, SAYS UNITED STATES JURIST

MUSKOGEE, April 4.—Widespread favorable reaction was heard here today following the address which Federal Judge R. L. Williams made before clubwomen this week, declaring that Oklahoma does not need a constitutional amendment in order to participate in the national administration's social-security program.

Of interest was the fact that Judge Williams' statement as well as a decision of the National Social Security Board at Washington, D. C., is in direct contradiction to the contention of Governor Marland, who declared that the State must vote a constitutional amendment before it can share in such a relief program.

Judge Williams' talk to the convention was prepared before the National Board had made its decision favorable to Oklahoma but unfavorable to Kansas, a State, which it said, would be required to vote the constitutional amendment in order to take part in the relief program.

The national administration's old-age assistance program is limited to needy aged people.

In the opinion of Judge Williams "a tax could be levied without limitation in Oklahoma to support the poor and aged and indigent, provided it was not an ad valorem tax. This State does not need to change its constitution in order to take part in such a program."

He was of the opinion that the National Board correctly interpreted the law when it ruled in favor of Oklahoma.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On May 19, 1936:

S. 427. An act authorizing the reimbursement of Edward B. Wheeler and the State Investment Co. for the loss of certain lands in the Mora grant, New Mexico; and

S. 1975. An act to authorize certain officers of the United States Navy, officers and enlisted men of the Marine Corps, and officers and enlisted men of the United States Army to accept such medals, orders, diplomas, decorations, and photographs as have been tendered them by foreign governments in appreciation of services rendered.

On May 20, 1936:

S. 3483. An act to provide for rural electrification, and for other purposes.

#### NATIONAL FLOOD CONTROL

The Senate resumed consideration of the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Mr. COPELAND. Mr. President, we turn now to page 107, section 6, providing for authorizations for preliminary examinations and surveys. It is desired to add a number of amendments to this section. At this time it would be proper for the Senator from California [Mr. JOHNSON] to present his amendments.

Mr. JOHNSON. Mr. President, I send to the desk an amendment, for which I ask consideration.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 112, after line 24, it is proposed to insert "Ventura River, Calif."; and on page 113, between lines 12 and 13, to insert "Mad River, Calif."

Mr. COPELAND. There is no objection to the inclusion of the surveys. They are acceptable to the committee.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. NORRIS. Mr. President, on page 111 of the bill, where quite a number of surveys are authorized, I think there is a typographical error. In line 24, reference is made to the "Republican River, Kans." Most of the Republican River is in the State of Nebraska. I suggest an amendment so the clause will read "Republican River, Nebr. and Kans."

Mr. COPELAND. Mr. President, that was an inadvertence on the part of the committee. We did not realize there were so many Republicans in Nebraska. It was intended that it should cover the Republican River in Nebraska and Kansas.

Mr. NORRIS. The Republicans of Nebraska ought to be taken care of just as are the Republicans of Kansas.

Mr. COPELAND. It will be acceptable to the Democrats on the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, line 24, after the word "River", insert the words "Nebr. and", so as to read "Republican River, Nebr. and Kans."

The amendment to the amendment was agreed to.

Mr. McNARY. Mr. President, is the Senator from New York accepting amendments to the survey section?

Mr. COPELAND. That is correct.

Mr. McNARY. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 113, between lines 13 and 14, it is proposed to insert the words:

Coos River and tributaries, Oregon.

The amendment to the amendment was agreed to.



Mr. SHEPPARD. Mr. President, I send to the desk three amendments to the survey section, for which I ask consideration.

The PRESIDENT pro tempore. The clerk will report the first amendment offered by the Senator from Texas.

The LEGISLATIVE CLERK. In the committee amendment, on page 111, between lines 3 and 4, it is proposed to insert the following:

Colorado River, Tex., above the county line between Coke and Runnels Counties.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the Senator from Texas will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 111, line 6, after the word "Texas", it is proposed to insert a comma and the words "and tributaries", so as to read:

Nueces River, Tex., and tributaries.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The third amendment of the Senator from Texas will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 111, between lines 9 and 10, it is proposed to insert the following:

Leon River, Tex.  
Sulphur River, Tex.  
Pease River, Tex.

Mr. COPELAND. There is no objection.

The amendment to the amendment was agreed to.

Mr. BYRNES. Mr. President, I offer two amendments to the survey section of the bill.

The PRESIDENT pro tempore. The first amendment of the Senator from South Carolina will be stated.

The CHIEF CLERK. In the committee amendment, on page 114, after line 22, it is proposed to insert:

Congaree, Wateree, Santee, and Cooper Rivers, S. C.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the Senator from South Carolina will be stated.

The CHIEF CLERK. In the committee amendment it is proposed to add at the end of section 6, the following:

Edisto River and tributaries.  
Great Pee Dee, Lynches, Little Pee Dee, and Waccamaw Rivers, S. C.

Mr. COPELAND. There is no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. MURRAY. Mr. President, I send to the desk an amendment to be inserted in the section relating to surveys.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 115, after line 13, it is proposed to insert:

Hungry Horse Dam, Mont.

Mr. MURRAY. Mr. President, this project was included in previous bills and already surveys have been made. We merely wish to have them completed.

Mr. COPELAND. There is no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. DUFFY. Mr. President, I desire to propound an inquiry to the Senator from New York. On page 112, line 8, appear the words "Fox River and tributaries, Wisconsin." I understand the War Department understand and believe that that includes the Wolfe River?

Mr. COPELAND. That is correct. That is the understanding.

Mr. CLARK. Mr. President, on page 53, lines 13 to 18, in the bill, as passed by the House and stricken out as reported to the Senate, appears an item relating to the St. Francis River in Missouri and Arkansas. As an amendment to the committee amendment I move to insert at the proper place the language appearing in the House provision.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 70, between lines 2 and 3, it is proposed to insert the following:

St. Francis River in Missouri and Arkansas: For flood control by levees and/or levees and reservoirs to protect 1,225,200 acres of land; House Document No. 159, Seventy-first Congress, second session, and Committee Document No. 1, Seventy-fourth Congress, first session; estimated cost, \$16,000,000.

Mr. COPELAND. Mr. President, this was considered by the Army Engineers.

Mr. ROBINSON. It was in the original House bill?

Mr. COPELAND. That is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri to the committee amendment.

The amendment to the amendment was agreed to.

Mr. OVERTON. Mr. President, I offer an amendment to the survey section of the bill. I send the amendment to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, after line 2, it is proposed to insert "Mermentau River, La."

Mr. COPELAND. There is no objection.

The amendment to the amendment was agreed to.

Mr. BACHMAN. Mr. President, I send to the desk an amendment, which I offer.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the proper place in the committee amendment it is proposed to insert the following:

#### MISSISSIPPI RIVER

Tiptonville to Obion River, Tenn.: Construction of the levee designated as plan 1 for the protection of the towns of Tiptonville, Ridgely, and various smaller communities; and agricultural lands in Lake, Obion, and Dyer Counties, Tenn.; in accordance with House Document No. 188, Seventy-second Congress, first session; estimated construction cost, \$730,000.

Mr. BACHMAN. Mr. President, this has received the approval of the Army Engineers and is a continuation of a project which is now in operation.

Mr. COPELAND. This item was given consideration by the committee. It has been approved by the Army Engineers, and is acceptable.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Tennessee to the committee amendment.

The amendment to the amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, when the bill passed the House there were included some 20 projects in my State. I am not a member of the committee, and, therefore, did not appear in favor of any of the projects. In considering the 20 projects, the Senate committee found 8 of them had been examined by the proper authorities and approved. Therefore, the committee included in the bill the projects which met the requirements. Those which did not meet the requirements were omitted.

The projects which did not meet the requirements have been surveyed and examined, but the reports are not complete. The surveys are in various stages of completion. I move to amend the bill by inserting at the end of section 6 the projects to which I have referred, so the surveys may be completed and the final report made hereafter. I shall add one additional project to those which were contained in the House bill, and that is the first one relating to Kenton Reservoir. That is in what is known as the dust zone in the corner of five States, New Mexico, Colorado, Texas, Oklahoma, and Kansas. It is on the Cimarron River, and, if it should be finally approved, it would afford a very large amount of labor for the people in distress in the center of the dust zone.

Mr. COPELAND. The Senator desires that the Kenton project be inserted in the survey section?



Mr. THOMAS of Oklahoma. Yes. The others were contained in the House bill.

Mr. COPELAND. The Senator desires they should be added to the survey section?

Mr. THOMAS of Oklahoma. That is correct.

Mr. COPELAND. There is no objection.

The PRESIDENT pro tempore. The amendment of the Senator from Oklahoma will be stated.

The CHIEF CLERK. In the committee amendment it is proposed to add at the end of section 6 the following:

Kenton Reservoir, Cimarron River, Okla.  
Eufaula Reservoir, Okla.  
Pensacola Reservoir, Okla.  
Markham Ferry Reservoir, Okla.  
Fort Gibson Reservoir, Okla.  
Wister Reservoir, Okla.  
Oologah Reservoir, Okla.  
Braman Reservoir, Okla.  
Mannford Reservoir, Okla.  
South of Antwine, levees on Chikaskia River, Okla.  
Tulsa and West Tulsa levees on Chikaskia River, Okla.  
Tenkiller Ferry Reservoir on Illinois River, Okla.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma to the committee amendment.

The amendment to the amendment was agreed to.

Mr. NYE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 112, in the committee amendment, after line 2, it is proposed to insert "Souris River, N. Dak."

The amendment to the amendment was agreed to.

Mr. RUSSELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Georgia?

Mr. COPELAND. I do.

Mr. RUSSELL. I desire to take the floor in my own right to offer an amendment.

Mr. COPELAND. Is it an amendment outside of section 6?

Mr. RUSSELL. It does not pertain to section 6.

Mr. COPELAND. Would the Senator be willing to wait a moment until we perfect section 6, unless he is in a hurry?

Mr. RUSSELL. I am in no particular hurry.

Mr. COPELAND. Is this a survey or a project?

Mr. RUSSELL. It is a project.

Mr. COPELAND. Then I should be glad if the Senator would be good enough to wait a moment.

Mr. RUSSELL. Mr. President, I prefer to offer the amendment now; and, if it shall be voted down in the form in which I offer it, I shall ask to modify it so as to make it a survey project.

I send the amendment to the desk and ask to have it stated.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment, which will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

The Townsend area and Butlers Island on lower Altamaha River in Georgia: To protect people and 84,000 acres of land, including reconstruction of levees destroyed by floods of April 1936; referred to in House Document No. 68, Seventy-fourth Congress, first session; estimated construction cost, \$225,000.

Mr. RUSSELL. Mr. President, this amendment does not comply with the rule which has been arbitrarily adopted by the committee in considering flood-control projects. However, I am sure this proposal is much more meritorious than many that are contained in the bill. It involves only a small sum of money; but the expenditure of this sum of money will be very far reaching and will confer great benefits on a section which has suffered from floods periodically for many years, causing great damage to property and rendering practically useless 84,000 acres of tillable land in the lower Altamaha Basin.

It is true that those who live in this section and those who suffer great damages from the periodic floods do not have the benefit of the larger newspapers which carry throughout the

country the report of those floods and therefore insure the sufferers receiving consideration in what is known as a dramatic flood area. However, one of them did possess a camera, and I have on my desk photographs which disclose the great damage that has been done there to farm lands, to farm residences, and to very valuable properties.

Mr. President, when it is considered that for the cost of \$225,000, 84,000 acres of land may be protected from the floods which have come from time to time throughout the past several years, rendering this section practically uninhabitable, I believe this proposal will appeal to the sense of fairness and justice of the Senate even though it did escape the attention of the Army Engineers.

Those facts are disclosed by the Report of the Board of Army Engineers, contained in House Document 68, Seventy-fourth Congress, first session. I may say that at the time this survey was made it was instituted by the Board of Engineers to determine the navigability of the river rather than the practicability of a flood-control project, and perhaps for that reason the project was not included in the bill among those which are regarded as of paramount importance.

The report shows that in the 1925 flood about 83,000 acres of the Townsend area and 300,000 acres of the remainder of the floodway were inundated. Total damages were estimated at about \$2,500,000 in this one flood. The district engineer estimates the average annual damage as about \$108,000. I hope the members of the committee will bear in mind that statement. The average annual damage is \$108,000, of which he assigns \$18,000 to the Townsend area and \$90,000, or 30 cents per acre, to the river valleys proper. The report says:

Butler and Champney Islands, in the delta of the river, have also been protected by levees to the extent considered justifiable.

Since that report was made, within the past 6 weeks, a flood in this valley has attained such proportions that it has broken the levees that were considered justifiable. Levees erected, if you please, at the cost of individuals, without any air or assistance whatever from the Federal Government, were washed away, and great damage was done there to a model dairy farm, which perhaps some Members of the Senate have seen if they have ever traveled what is known as the coastal highway from the northeast into Florida.

Mr. President, I cannot see why this amendment, involving as it does a small sum of money which will render great benefits to this large body of 84,000 acres of land at a cost of only \$225,000, should be meted out the dire punishment that is threatened to any of those that have not been heretofore recommended by the Board of Army Engineers. The report of the Board of Engineers shows the great damage; it shows the small amount that is necessary to correct it; but because the survey was made from the standpoint of determining the navigability of the river it was not recommended, because it was not economically feasible to make the river navigable.

I feel that this amendment should be the one exception to the rule—that the Senate itself should legislate, and adopt the amendment, and afford relief to the people of the delta area of the Altamaha River.

Mr. COPELAND. Mr. President, the Senator from Georgia is now a friend of mine, but he is numbered among those who will not be friends of mine when I get through with this bill, because, meritorious as this project is from the human standpoint, it does not conform to the principle we have already established in the Senate in our declaration of policy.

This project has been surveyed by the Army Engineers. The Board has taken into consideration the recent dramatic occurrences; and, with sorrow in my heart, I must say that a project which costs, as the Senator now says, \$225,000, and which was originally presented at \$300,000, would not be justified when the capitalized value of the losses is less than \$133,000.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. RUSSELL. The figure given by the Senator from New York is that found by the Board of Army Engineers in the original survey on which the report was made, prior to the recent flood, is it not?



Mr. COPELAND. The Board of Army Engineers have given consideration to the matter since the flood. They have not been able to make a complete survey since the flood; but they advise me now that on the basis of the information they have had since the last flood, together with the survey actually made, the project would not be justifiable, would not be considered meritorious; and I am sorry that the committee must resist the amendment.

Mr. RUSSELL. Mr. President, I am frank to say that I cannot understand any report concluding an expenditure of \$225,000 to protect 84,000 acres of land is not justifiable. The Senate is supposed to have some power of reasoning and some common sense; and I dare say that not a single Member of the Senate would say that if 84,000 acres of land located anywhere could be protected from periodic floods for this small sum, the expenditure would not be justified.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. RUSSELL] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. RUSSELL. Mr. President, I move to amend the committee amendment in section 6 by adding the "Altamaha River and its tributaries in Georgia" among the projects to be surveyed for flood-control purposes.

Mr. COPELAND. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. RUSSELL. Mr. President, I am so firmly and profoundly convinced of the merit and justice of the proposal that I shall be glad to have the Board of Army Engineers investigate the project, so that at the next session the Senate may consider their report.

Mr. COPELAND. I wish to set myself right so far as I may with the Senator, and say that I will help him all I can to get a survey.

Mr. MINTON. Mr. President, I have had printed and placed upon the desk an amendment which I now offer.

The PRESIDENT pro tempore. The amendment offered by the Senator from Indiana to the amendment of the committee will be stated.

The CHIEF CLERK. In the committee amendment, on page 92, it is proposed to strike out lines 2 to 6, inclusive, in the following words:

Momence, Ill.: Lower rock ledge and dredge upstream for flood control and drainage improvement to agricultural communities in Illinois and Indiana; House Document No. 784, Seventy-first Congress, third session, estimated construction cost, \$2,540,000.

Mr. MINTON. Mr. President, this amendment probably will not meet with much resistance. It is unique in its character, in that it does not seek to put anything more in the bill, but seeks to take out \$2,540,000 now included in the bill for the drainage of the Kankakee River Basin.

In support of this amendment I send to the desk, to be incorporated in the RECORD at this point, two letters, one from the head of the conservation department of the State of Indiana and the other from the chairman of the planning board of the State of Indiana.

The PRESIDENT pro tempore. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

DEPARTMENT OF PUBLIC WORKS,  
Indianapolis, April 21, 1936.

HON. SHERMAN MINTON,  
Senator, Washington, D. C.

DEAR SHAY: For more than a year this department and the more than 100,000 sportsmen and conservationists in Indiana have been fighting a threat of further drainage in the Kankakee area.

On June 19, 1935, a meeting was held at Momence, Ill., presided over by Mr. H. W. Fox, of St. Louis, Mo., who claimed to be the secretary of the Mississippi Valley Association. We think this association was formed to accomplish certain drainage projects for interested engineering companies throughout the United States.

The proposed work can accomplish absolutely no good for Indiana and the only purpose it could serve would be to drain a large area of land unsuitable for agricultural purposes.

A few days ago I found that H. R. 8455, passed by the House of Representatives and printed on July 29, 1935, carried a number of flood-control items, among which was a \$2,540,000 appropriation for drainage work in Indiana and Illinois on the Kankakee River. Since the bill has already passed the House, our only course is to

have an amendment made in the Senate which would eliminate the appropriation that, in our opinion, should not be made.

Mr. John Wheeler is familiar with this entire situation and has made a trip to Illinois to study the drainage that has been proposed. He also has a complete understanding with Mr. Robert Kingery, who is head of the department of public works for Illinois. In addition to Mr. Wheeler's knowledge, Mr. James Vandebark has been in touch with the entire Kankakee question insofar as the conservation department is interested and is therefore in a position to furnish you with reliable information.

You will receive a letter within a few days from both Jim and John, and my purpose in writing this letter is to assure you that we are in earnest and will greatly appreciate your cooperation in preventing this money being included in the bill as it passed the House of Representatives.

With kindest personal regards, I am,

Sincerely yours,

V. M. SIMMONS, Commissioner.

STATE PLANNING BOARD OF INDIANA,  
Indianapolis, Ind., April 21, 1936.

HON. SHERMAN MINTON,  
Senate Office Building, Washington, D. C.

DEAR SENATOR: We note that there is a bill in Congress (H. R. 8455) which would make it possible for the Federal Government to take out a rock ledge in the Kankakee River near Momence, Ill. The expense of this would be very great, running over \$2,000,000, and those best acquainted with the Kankakee marsh will agree that it will be of no particular benefit. If the water level in the Kankakee marsh is lowered, the thin top soil will blow away, and in my opinion, the land adjacent to the Kankakee River is not as fertile as it was before the previous drainage projects were completed.

Another objection that we have in Indiana to lowering the water table in the Kankakee Valley is the hope that some day the Conservation Department can restore the old Kankakee marsh, partially at least, to the great game country that it originally was. It was without doubt the best duck marsh in the United States, before it was drained, and would be worth much more to the owners if it had not been drained, as it is poor farm ground. I am confident that Indiana would be best served by not lowering this water level.

Yours very truly,

STATE PLANNING BOARD OF INDIANA,  
JOHN W. WHEELER, Chairman.

Mr. COPELAND. Mr. President, not only has the committee no objection to this amendment, but it desires also at the proper time to have a gold medal struck off, in order that we may decorate the Senator from Indiana for proposing a reduction in the amount of the bill by \$2,540,000. It ought to insure his election forever and ever from the State of Indiana.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. GIBSON. Mr. President, in connection with the portion of the bill authorizing preliminary examinations and surveys, I offer the amendment which I send to the desk to be inserted at the proper place in the bill.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 114, line 23, it is proposed to insert the following:

Passumpsic River, Vt.  
Winooski River, Vt.  
Dog River, Vt.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I now desire to present some other authorizations of surveys. I think the Senator from South Carolina has already presented amendments dealing with the Congaree, Wateree, Santee, and Cooper Rivers of South Carolina, and the Edisto River and tributaries, Great Pee Dee, Lynches, Little Pee Dee, and Waccamaw Rivers, in South Carolina.

I have several amendments here which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the first amendment presented by the Senator from New York.

The CHIEF CLERK. In the committee amendment, it is proposed to insert at the proper place the following:

Big Blue River, an affluent of the Kansas River.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, the Senator from Kansas is also desirous of having a preliminary examination and



survey for flood control of the Cow Creek drainage area. The committee has no objection to the survey, but if the project is so changed in scope as to substitute a reservoir plan it should only be after a report is submitted to and acted on by Congress. Therefore, so far as the committee is concerned, it is agreeable to the survey.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 73, line 7, after the numerals "\$1,050,000", it is proposed to insert:

*Provided, That \$10,000 of this amount be made available for a preliminary examination and survey for flood control of the Cow Creek drainage area and that the Chief of Engineers be, and he is hereby, authorized, in his discretion.*

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, the Senator from California [Mr. JOHNSON] presented an amendment to have the Mad River surveyed. That amendment has been agreed to, has it not?

Mr. JOHNSON. It was agreed to this morning.

Mr. COPELAND. The Senator from Kentucky [Mr. LOGAN] is interested in several amendments, and perhaps he would like to offer them now.

Mr. LOGAN. I should like to have them considered.

Mr. COPELAND. The committee has no objection to the inclusion of the rivers covered in the amendments offered by the Senator from Kentucky.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 114, after line 22, it is proposed to insert:

The Big Sandy and its tributaries, Kentucky.  
The Licking River and its tributaries, Kentucky.  
Mud River and Wolfe Creek, Kentucky.  
Rough River and its tributaries, Kentucky.  
Nolin River and its tributaries, Kentucky.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I think the next amendment relates to Louisiana, and perhaps that has been acted on.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 111, after line 2, it is proposed to insert:

Mermentau River, La.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, let me ask the Senator from Texas [Mr. SHEPPARD] whether he presented an amendment relating to the Leon River, the Sulphur River, and the Pease River.

Mr. SHEPPARD. Yes; the amendment has been presented and agreed to.

Mr. COPELAND. The Senator from Minnesota [Mr. SHIPSTEAD] desires surveys of certain rivers, and I ask that the amendment be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 112, between lines 3 and 4, it is proposed to insert:

Cannon River, Minn.  
Crow River, Minn.  
Rum River, Minn.  
Roseau River, Minn.  
St. Louis River, Minn.  
St. Croix River, Minn. and Wis.

The amendment to the amendment was agreed to.

Mr. WALSH. Mr. President, I offer an amendment, merely to perfect a description of two rivers in Massachusetts.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment on page 108, line 15, after the words "Rhode Island", it is proposed to insert the words "and Massachusetts."

The amendment to the amendment was agreed to.

Mr. WALSH. I offer another amendment similar in nature.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment on page 108, line 13, after the word "Massachusetts", it is proposed to insert the words "New Hampshire, Vermont, and Connecticut."

Mr. COPELAND. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment of the committee. The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment presented by the Senator from New York.

The CHIEF CLERK. In the committee amendment on page 110, after line 11, it is proposed to insert "Patuxent River, Md."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment presented by the Senator from New York to the committee amendment.

The CHIEF CLERK. On page 98, line 17, after the word "Harbors", it is proposed to insert "and as amended by further surveys and studies now in progress."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment to the committee amendment, suggested by the Senator from New York.

The CHIEF CLERK. It is proposed, on page 99, line 9, after the word "session", to insert "and as amended by further surveys and studies now in progress."

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I present another amendment on behalf of the Senator from Kansas [Mr. CAPPER].

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. On page 99, line 9, after the word "session", it is proposed to insert a comma and the words "and as amended by further surveys and studies now in progress."

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I present a further amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. At the proper place it is proposed to insert:

Sulphur River, Ark.

The amendment to the amendment was agreed to.

Mr. COPELAND. I present another amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. At the proper place it is proposed to insert:

Poteau River, Ark.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I present another amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. At the proper place it is proposed to insert:

Sandusky River, Ohio.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator from California [Mr. JOHNSON], there is an amendment providing for surveys of the Salinas River, the Black River, the Pajaro River, the Eel River, and the Mad River in Humboldt County, the American, Feather, Yuba, and Bear Rivers, Calif.

Mr. JOHNSON. Mr. President, two of those have already been provided for, the Eel and the Black. As to the others, I hope surveys will be ordered.



The PRESIDENT pro tempore. The clerk will state the amendment referred to by the Senator from New York.

The CHIEF CLERK. In the committee amendment it is proposed to insert on page 112, after line 25, the following:

Mad River, Calif.  
Salinas River, Calif.  
Pajaro River, Calif.  
Eel River, Calif.  
American, Feather, Yuba, and Bear Rivers, Calif.

The amendment to the amendment was agreed to.

Mr. COPELAND. A survey is asked by the Senator from Florida [Mr. FLETCHER], and I ask for action on the amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. It is proposed to insert on page 110, after line 19, the following:

Intracoastal waterway, Broward County, Fla.

Mr. KING. Mr. President, if I may make an inquiry of the Senator from New York, my recollection is that 10 or 15 years ago provision was made for an intercoastal survey not only in Florida but in other States. Is this a duplication?

Mr. COPELAND. No; this is to bring it up to date.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I have given the clerk a copy of the bill with certain surveys indicated, and, perhaps, during the day they may be checked up to see whether there have been any omissions.

Mr. LONERGAN. Mr. President, I offer an amendment, on page 108, line 13, after the word "Massachusetts", to insert the words "and Connecticut."

Mr. WALSH. Mr. President, I may say to the Senator that the amendment has already been offered and agreed to.

Mr. LOGAN. Mr. President, I desire to offer an amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. At the proper place it is proposed to insert:

Big Sandy River, Ky.: Bank protection at Catlettsburg, Ky.; report to Congress not yet made; special report in Office of the Chief of Engineers; estimated construction cost, \$145,000.

Mr. LOGAN. Mr. President, I have a very brief statement to make in connection with the proposed amendment. The city of Catlettsburg is doomed to go into the river at the next flood. There is an extreme emergency. I understand that the Senator from New York, who is my good friend, is opposing all amendments unless a report of the Board of Engineers of the War Department on the project affected has been received by the Senate.

I desire to say at this time that I do want the responsibility for the calamity, when it comes, to be placed on the Senator from New York or the Senate. I myself do not want to share it.

I may say that the War Department previously made a survey of this project and reported that there was no immediate danger, but the last flood caused them to make another examination, and their office in Huntington, W. Va., has recommended this project at a cost of \$145,000. The report reached Washington, I think, only yesterday morning. The Board of Engineers here has not had an opportunity to investigate it.

The only thing I seek to do is to call the attention of the Senator from New York to the situation, so that when the calamity comes—and it will come with the next flood—I will know that I have done all that I could possibly do, and the responsibility will be with the Senator from New York and the Senate for the loss of life and property that will follow the next flood on the Big Sandy River.

Mr. BARKLEY. Mr. President, I wish simply to emphasize what my colleague has said. The item is one about which some discussion arose in the Senate yesterday. It

seems a pity that the lack of a report from the Board of Engineers here in Washington—which Board received the report from the district engineer just yesterday or the day before and has not had an opportunity to submit it to Congress—should stand in the way of this most worthy project.

There is no doubt what Congress will do about the matter ultimately, when the report shall come in. Congress will not meet again until next January. It is possible that there will be another flood between now and January or before the work could be done, if action by the Senate should be put off until January, and there might result loss of life and destruction of a vast amount of property at Catlettsburg, Ky., because of the confluence of the Big Sandy and the Ohio Rivers at that point.

In view of those special circumstances, I hope the Senator from New York will not object to putting this amendment in the bill and letting it go to conference. If in the meantime the Board of Engineers can make its report to Congress, the appropriation will be justified. If they should happen to turn it down before the conference agreement is entered into, the conferees can take that fact into consideration in determining whether or not to leave the amendment in the bill. Under those circumstances I hope the Senator from New York will not object to the amendment.

Mr. COPELAND. Mr. President, I had myself all square with the Senator from Kentucky this morning. I fixed up everything with him during the morning, but now our understanding is all upset. However, having been a doctor for a good many years, I have had to carry the responsibility of a death in a family and take all the responsibility of the treatment that might be applied, and I suppose I shall have to do it here. When the flood comes, and disaster comes with it, the lives of many of these people will be on my head. I am sorry that I have to carry that responsibility.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BARKLEY. There is a vast difference between being responsible for the death of a single patient and being responsible for the wholesale deaths of many people in a community.

Mr. COPELAND. Also, I have been in charge of handling epidemics; so I know something about that matter, too.

Mr. President, the district engineer from the Corps of Army Engineers has made a survey of the project in question as an emergency project to see if it needs emergency treatment. I have no doubt that if it shall be found that there is emergency and necessity for immediate action, funds will be provided from the emergency fund. However, as the chairman of the committee, I could not consent to the present proposal, because if we were to make an exception in this case, there would be no excuse for the battle I had yesterday with the Senator from Montana [Mr. WHEELER] nor for the battle I had with the Senators from Kentucky yesterday. If we were to make such an exception, we should violate the spirit of the bill; and, Mr. President, I think it would be unfortunate were we now to open the gate. So I feel that I must resist the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. LOGAN] to the committee amendment.

The amendment to the amendment was rejected.

Mr. ROBINSON. Mr. President, there were embraced in the House bill which is now under consideration, and for which the Senate committee has adopted provisions in the nature of a substitute, 13 reservoirs in the basin of the Arkansas River, and about an equal number of reservoirs in the basin of the White River in the State of Arkansas. The House sought to authorize the construction of these projects in the aggregate amount of a very large sum. The Senate committee omitted these projects from the bill, on the ground that as flood-control projects they had not received the endorsement of the engineers, and on the additional ground that they involved considerations relating to the development of power, and, I believe, soil-erosion and forestation. In any event, the provisions were sought to



be reincorporated in the Senate bill, and the Senate committee rejected the amendments so provided.

It is my understanding that a restudy of these projects will be made under the terms of the bill, or at least a portion of them. I ask the Senator from New York whether the statement I have made is correct.

Mr. COPELAND. Yes, Mr. President; the Senator's statement is correct. A very careful study was made by the committee of the various reservoirs mentioned by the Senator from Arkansas. There can be no doubt that ultimately they will be constructed. However, these projects include not only flood control, but many of them contain power possibilities, and it was thought wise by the committee to limit the bill wholly to flood-control projects. Some of them have been included. The Senator and his colleague last night presented one which was accepted because it was fully justified as a flood-control project. The other projects, however, are largely power projects.

Mr. ROBINSON. Mr. President, the projects to which I am now referring are not levee projects. They are reservoir projects which are important in any system of complete flood control of the two great branches of the Mississippi; namely, the Arkansas and the White Rivers. The provisions relating to these reservoirs will be in conference, having been incorporated in the House bill. In view of the action of the committee on the subject and the opposition to the projects being included at this time, my colleague and I do not again offer the amendments in the Senate.

There was another amendment which relates to a levee which it has seemed to us is a consistent and necessary part of the levee system that is being provided for the Arkansas River; namely, relating to Faulkner County Levee District No. 1. The item carried an authorization of \$109,000. It was incorporated in the House bill, but eliminated by the Senate Committee on Commerce. My information is—and it is derived from the engineers as well as from members of the committee, and from the Senator from New York, who made a statement about the matter yesterday—that that provision was rejected by the committee on the ground that it was not sound economically. In view of the policy that has been adopted by the committee, I do not at this juncture again offer that amendment; but I wish to state that, in my judgment, the levee referred to is an essential and necessary part of the flood system for the Arkansas River.

Mr. COPELAND. Of course that also will be in conference.

Mr. ROBINSON. That provision will be in conference.

Mr. COPELAND. The attitude of our committee was that because of the report of the Army Engineers the project was not regarded as economically justified. The annual cost is estimated at \$6,500, as compared with an estimated annual benefit of about \$1,000, or a ratio of \$1 to 15 cents; and the proposal was rejected on that account. However, it will be in conference, and I thank the Senator from Arkansas for his kindly consideration.

The Senator from Ohio [Mr. DONAHEY] wishes a survey of the Mad River, Ohio; and we have no objection to the inclusion of Mad River, Ohio. The survey of the Mad River, Ohio, is approved by the committee. We ask the inclusion of "Mad River, Ohio", on page 112, after line 11.

The PRESIDENT pro tempore. Without objection, the amendment to the committee amendment offered by the chairman of the committee on behalf of the Senator from Ohio [Mr. DONAHEY] is agreed to.

Mr. COPELAND. Mr. President, on page 112, in line 20, the first word should be "Sabino"; and on the same page, line 21, the county is "Pinal." I ask that those two corrections be made.

The PRESIDENT pro tempore. Without objection, the two corrections requested will be made.

Mr. COPELAND. I should say that on page 112, after line 11, at which point "Mad River, Ohio", was included, the language should be made to read "Mad River at Springfield, Ohio."

The PRESIDENT pro tempore. Without objection, that correction also will be made.

Mr. COPELAND. Mr. President, if there are no other surveys, we will now take up the first violently contested section of the bill, which is section 3. I think some amendments are proposed to be offered to that section. I believe the Senator from Mississippi [Mr. BILBO] desires to speak on the subject.

Mr. BILBO. Mr. President, as a member of the Commerce Committee and being permitted to participate in the work of perfecting the bill, I agreed to all the provisions of the bill except section no. 3, reserving the right to oppose the incorporation of that section in the final passage of the bill. This is a very important feature of this piece of proposed legislation, and it will become more important as the years go by. I wish to invite the attention of the Senate especially to the provisions of section 3, and at this juncture I ask that the Secretary read the section.

The PRESIDENT pro tempore. Without objection, the clerk will read as requested.

The CHIEF CLERK. On page 55, after line 3, section 3 reads as follows:

SEC. 3. That hereafter no money appropriated under authority of this act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project, except as otherwise provided herein; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War: *Provided*, That whenever expenditures for lands, easements, and rights-of-way by States, political subdivisions thereof, or responsible local agencies for any individual project or useful part thereof shall have exceeded the present estimated construction cost thereof, the local agency concerned may be reimbursed one-half of its excess expenditures over said estimated construction cost: *And provided further*, That when benefits of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, the Secretary of War may acquire the necessary lands, easements, and rights-of-way for said project or part thereof after he has received from the States, political subdivisions thereof, or responsible local agencies benefited the present estimated cost of said lands, easements, and rights-of-way, less one-half the amount by which the estimated cost of these lands, easements, and rights-of-way exceeds the estimated construction cost corresponding thereto: *And provided further*, That the Secretary of War shall determine the proportion of the present estimated cost of said lands, easements, and rights-of-way that each State, political subdivision thereof, or responsible local agency should contribute in consideration for the benefits to be received by such agencies: *And provided further*, That whenever not less than 75 percent of the benefits as estimated by the Secretary of War of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, provision (c) of this section shall not apply thereto; nothing herein shall impair or abridge the powers now existing in the Department of War with respect to navigable streams.

Mr. COPELAND. Mr. President, will the Senator yield to me for just a moment?

Mr. BILBO. Yes.

Mr. COPELAND. The issue here, Mr. President, is whether the Federal Government should assume all the cost of these projects, including the cost of lands, damages, and the relocation of railroads and highways, or whether the Federal Government should provide for the building of the projects and leave the localities, as has been the practice in the past, to pay for lands and damages.

As I understand, the Senator from Mississippi will plead that the Federal Government should assume the entire burden of cost.

Mr. BILBO. Mr. President, I am offering as a substitute for section 3 the following declaration of policy:

SEC. 3. It is hereby recognized that the Federal Government should assume the full burden and responsibility for the improvement of navigable waters or their tributaries for flood-control purposes, and that neither the whole nor any part of the expenditures necessary for the construction of any project within the provisions of this act shall be required of any State or the States, political subdivisions thereof, or other responsible local agencies.

Mr. President, I shall endeavor to show that the scheme provided for in section 3 is impracticable, is impossible of



being carried out, and will result in the failure of the program that is to be undertaken by the enactment of this proposed piece of legislation.

One can readily see by comparison and analysis that the substitute I am offering in effect eliminates all the provisions of section 3 of the original bill, which section provides for a contribution from the States or subdivisions thereof in projecting a Nation-wide flood-control project or program. In the substitute I am offering I desire to make the positive statement or have enacted the positive policy of total responsibility of the Federal Government in whatever is done in carrying out a Nation-wide program of flood control.

The Congress has considered many important and far-reaching problems of government, but by the enactment of this bill we are initiating or inaugurating or beginning not only the most important, the most helpful, and far-reaching program of Federal activities commenced in half a century, but we are launching a program that will require the expenditure of more public funds than has been made necessary by any undertaking of this Government in the past or will be made necessary in the future, unless it be the incurring of governmental obligations incident to a declaration of war.

I have been amazed at the observations of some Senators as to the amount of money involved in this appropriation. If they will keep an eye on the activities of Congress for the next 25 years, they will realize just what we are beginning today. The amount of money in this appropriation is a mere suggestion of what it will be in the very near future, because, with only a partial survey of the work necessary to be done to save the people of the United States from the destructive floods by the construction of reservoirs, levees, dams, and channels, and not including the cost of the restoration of our forests and the conservation of our soil, the Army Engineers estimate an expenditure of over \$8,000,000,000; but let me remind you, Mr. President, that before this work is finished and the industrial, commercial, agricultural, and economic life of the Nation has been made secure, we will have expended more than \$12,000,000,000. Therefore, it is important that whatever policy is announced in the beginning shall be safe and sound, fair, just, and equitable to all the taxpayers of our common country. We must legislate today with a vision of all those things that must be accomplished before this work is done and this problem is properly solved. In our haste and hurry in the pressing emergency that confronts us and the menace that has overtaken us, we must pause long enough to be positively sure that we are right before we go ahead. I appreciate the fact that some of our friends who represent the Eastern States have suddenly become flood conscious and that they are anxious to have some legislation along this line; but I warn them that we had better go slowly and make sure our policy is right, because we are now embarking on a program involving an ultimate expenditure of \$12,000,000,000.

Mr. President, no subject has engaged the attention of the thoughtful people of the United States for the past 50 years more than the question of flood control. Conditions contributory to flood disasters have so increased during the on-flowing years that the country's susceptibility to frequent devastations caused from the flood menace has become so pronounced that today it represents the most serious problem confronting the welfare of the Nation.

In the early history of our country, before the destruction of our forests and before an extensive cultivation of our lands, and at a time when our population was not so widely distributed, the dangers from excessive floods were by no means serious. The subject in the early days was never thought of except as purely a local problem. The citizens of the various sections of the country who had immigrated to and located in districts subject to overflows were for a considerable period of time able to make themselves reasonably secure from flood disasters.

As the years passed on and the country became more thickly settled, and as the conditions that retarded the flowage of waters were gradually removed as civilization progressed, the task, once so easily accomplished, gradually be-

came one that exceeded their powers to perform. So stupendous became this burden upon those living within the path of the rushing floods that it became necessary within the past decade for the Federal Government to assume an appreciable measure of the accumulative burden.

The day has now arrived when the entire Nation has become conscious of the imperative necessity for an effective flood-control system that will protect the lives, liberties, and properties of all the people who are affected directly or indirectly by this Nation-wide menace. It is now generally accepted that the prevention of destructive floods is a problem that affects every section of our country.

In a volume revised up to January 1936, entitled "Projects for the Development of Rivers and Harbors", summarized from reports of the Corps of Engineers to the Congress, may be found a map showing the number of projects and the estimated construction costs requisite to flood control in the United States. A mere glance at this map will not fail to impress one with the idea that the problem is one of national character and involves the national welfare. The reservoirs and canals contemplated in this report are dotted and lined over the entire country, with the exception of the States of Nevada, Utah, Arizona, and New Mexico, and this omission very probably obtains for the reason that the Engineers have not yet made a survey of that particular area.

This survey was made under the provisions of the Rivers and Harbors Act of January 21, 1927, wherein the Secretary of War and the Chief of Engineers were assigned the duty of making surveys in accordance with House Document No. 308, Sixty-ninth Congress, first session, with a view to the formulation of general plans for the most effective improvement of navigable streams of the United States and their tributaries for the purpose of navigation, the development of water power, the control of floods, and the needs of irrigation.

The tabulations made by the Corps of Engineers show recommended projects with an aggregate construction cost of \$8,325,000,000 and indicates as many as 2,000 projects covering practically every section of the country in the undertaking.

This survey contemplated mainly the construction of reservoirs, levees, and rendering navigable river channels. The subject of reforestation, soil erosion, cover grasses, and canals for diverting flood waters to other channels was not embodied in their report.

I invite the attention of Senators who represent the States through which the Ohio and Mississippi Rivers flow, because they will get a conception, if they will follow my address, of the cumulative cost upon the States which will be assessed under the scheme proposed in section 3.

It is well to note at this time that several plans for flood control have been proposed by outstanding engineers during the last decade. One school of thought advocates the building of levees, the straightening of rivers, and the building of canals, diverting the flowage into other channels capable of handling an additional volume of water. Another school advocates the construction of reservoirs so that the water may be impounded for release when no damage would ensue. Still another school strongly recommends reforestation, planting of grasses, and effective methods for preventing soil erosion.

All of these proposals have their merits, but today it is universally conceded that no one of them is sufficient in itself to provide the necessary relief. It is only by a proper correlation and coordination of all these methods that the ideal system of flood control can be attained.

We were entertained yesterday by the Senator from Minnesota [Mr. SHIPSTEAD], who attempted to show that even the sandstorms and the drought which have been cursing the great Northwest came because of a lack of proper flood control. He made the assertion, it will be remembered, that in a very few years that great agricultural section will become a desert, unless something can be done to prevent it.

Since this is true, it at once becomes evident that the means and methods of control involve activities incurring



tremendous costs in areas far removed from those sections directly in the path of floods. These combined proposals affecting a spread of activities covering the entire Nation, from which every section will receive benefits, force the inescapable conclusion that the question of flood control is the sole and undivided responsibility of the United States Government.

The purpose of this discussion, as the Members of this body may have already perceived, is not to treat in detail any one of these several plans or to endorse any particular method. I accept the universal verdict that an effective flood control can be accomplished only by the employment of all of the plans I have just enumerated. The ineluctable conclusion presents itself that an enterprise of so great magnitude, one that involves a system of preventive measures that extends its ramifications into every vale and hamlet, every prairie and hillside, and every teeming city and fertile valley on the continent, must be undertaken and completed by the strong arm of the National Government.

The declaration of policy as announced in House bill 8455, the matter which is now under consideration, as indicated in section 1, reads as follows:

It is hereby recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands and impairing and obstructing navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare.

In another part of this section, it is stated:

That investigations and improvements of rivers and other waterways for flood-control purposes are in the interest of the general welfare. That the Federal Government should improve or participate in the improvement of navigable waters or their tributaries for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected.

I am unable to find in all my research upon the subject of flood control a more convincing argument in favor of the Federal Government assuming full and complete responsibility for the improvement of rivers and waterways for flood-control purposes.

In a pamphlet issued by the Tri-State Authority, with headquarters at Pittsburgh, Pa., entitled "Let Us Have Protection From Floods", there is to be noted from a report of the Mississippi Valley Committee to Public Works Administration, October 1, 1934, the following:

Federal interest in these projects (having reference to the 13 reservoirs to be constructed on the upper reaches of the Ohio River and its tributaries) is such that shows Federal participation might go to the sum of \$26,400,000, while necessary non-Federal participation is estimated at \$43,700,000. The latter amount should be assessed against the States and the communities benefited whether on the tributary or on the main stem of the Ohio in proportion to the estimated benefit to be received.

Then the editor, Senator W. B. Rodgers, of Pittsburgh, Pa., adds this comment:

While a recommendation for local participation in the costs of constructing the 13 reservoirs is incorporated at some length in the report, it is the contention of the Tri-State Authority that this project is national in character and in benefits to be derived and should be paid for entirely out of Federal funds, as is being done in the construction of the Tygart Reservoir, one of the units of this system.

The advocates of section 3 will think they are meeting themselves coming back when they are reminded that of these 14 reservoir projects, the Government is already building the Tygart Reservoir wholly upon its own responsibility.

Permit me in this connection, Mr. President, to quote from a resolution adopted at a special session of the National Rivers and Harbors Congress at New Orleans, La., December 14, 1935, which reads as follows:

The protection of lives and property of the people of the United States from recurring disastrous floods in the valleys of the major streams is recognized by this organization and also by the Congress of the United States as a problem affecting the economic welfare of the Nation, the study, solution, and constructive remedial treatment of which should be carried out by appropriate Federal authorities at national expense. The same principle and obligation should apply in the development by the Federal Government of new inland waterways for purposes of navigation or the

enlargement of existing navigable waterways and the costs to adjust existing public highways or adjusting existing railroads and other privately owned property and facilities that meet the requirement of such new or enlarged projects should be borne by the United States Government.

I wish further to quote from an address delivered by Maj. Gen. Lytle Brown, Chief of Engineers, before the National Rivers and Harbors Congress in Washington, D. C., December 10, 1929:

During the past 2 years nothing in the way of river problems has received as much attention as the flood control of the Mississippi River. It would seem that nothing more could possibly be said on the subject, but maybe the matter can be somewhat clarified as time goes on. In the consideration of the subject by Congress shortly after the flood control of 1927, it was conclusively shown that the subject can be handled effectively only by the National Government, and the Flood Control Act was modeled after that conclusion. Where more than one State is affected in a matter, the subject cannot escape the intervention by the central Government. The people of the States have the right to expect as much, since no settlement of these questions can be made by any other authority. If the national authority has seen fit to take up the matter of flood control on the Mississippi River, it cannot allow any lesser authority to intervene to stop or hinder its plans. If in the carrying out of these plans injury is done any interest without corresponding benefits to offset that injury, just compensation must be paid.

Any plan for the control of water incorporates a movement for most of the basic functions of the life of a nation. In controlling water we also must take into consideration the relevant problems of land. There can be no planning for both land and water unless we plan for the whole people.

The Northeastern States have their problem of flood control. The Ohio Valley and its upper reaches have also a flood problem. The Mississippi Valley, which carries the water from 33 of the 48 States of the Union, drains more than 40 percent of the territory of the United States, produces 80 percent of the minerals, agricultural products, and manufactured articles of the country, and sends to Congress 63 percent of its Members, has its problem of flood control.

The 785,000,000 acres of the most productive land in the world that lie in the Mississippi Basin within themselves would justify calling upon the National Government to assume the entire burden of flood control. The vast area of land which now constitutes the section of the country subject to the frequent visitations of sand storms is also involved in this great problem of flood control.

It is impossible at this time, were one to close his eyes, to place his finger upon the map of the United States without covering some spot more or less affected by the unbridled waters of the Nation.

How anyone can conceive that this problem is other than a national problem, an obligation and responsibility to be discharged wholly, and not in part, by the National Government, is entirely incomprehensible.

There is no difference of opinion among us as to the necessity for flood control. There are no divided views on the question as to the time when this great undertaking should begin. Far less should there be any justification for a difference of opinion as to what authority should assume this burden.

The Mississippi River, from Cairo, Ill., to its mouth, represents in its tortuous course over this area 1,700 miles of flowing length. It is bordered by the States of Kentucky, Tennessee, Arkansas, Mississippi, and partially borders and passes through the State of Louisiana. The lower section of the Mississippi River is the bottle-neck through which flow the waters of the vast expanse located between the great prairies that gradually approach the uplift of the Rockies on the west and the far-flung Alleghenies on the east, even penetrating into the industrial region of Pittsburgh, Pa.

Because of the magnitude of the flood situation in this wide expanse of country, a section comprising more than three-fourths of a billion acres of the most valuable and productive land in the world, and concerning which a noted authority has said—

It is by a specially bountiful provision of nature that in and from this heart lead the most wonderful arteries for a national life which are furnished for any people.



As before stated, because of its magnitude, and the magnitude of its susceptibility to the havoc, ravages, and devastations of uncontrollable floods, this particular Mississippi Basin may be taken as a fitting example to which to apply the principle of local participation in flood control as provided in section 3 of House bill 8455.

Within this wide expanse of territory the lives, liberties, and properties of the people are not endangered solely from the onrushing sweep of maddened floods, leaping levees, destroying forests, gulying lands, and submerging thousands of erstwhile prosperous citizens in watery graves, but they are subject over a large area to the terrible effects of water erosion, which scourges the East as well as the West, and impoverishes hundreds of thousands of people if allowed to go unchecked. Very probably the most widespread damage does not lie directly in the wake of these uncontrolled waters but may be found in certain sections in the insidious sheet erosion that takes away the irreplaceable top soil of cultivated areas. Here, lack of reforestation and lack of restoration of range grass on areas now laid bare by the plowshare, subject the lands and people to the rage not only of floods but likewise of wind and storm; also to the great droughts of recent years, and the terrifying spectacle of clouds of dust borne upon the wings of the wind across one-half of the continent, so thick that the rays of the all-beholding sun are unable to penetrate. The agencies necessary for the preservation and reclamation of these arid sections are the self-same agencies that contribute to the control of devastating floods. Consequently, there must be a unification of all these systems both for the preservation of our land from the scourge of drought and for the protection of our people from the havoc of floods.

If it be contended that local participation should be required, in proportion to the benefits derived, with respect to the costs of building levees and reservoirs for the direct control of floods, then it naturally follows that the exponents of that idea will also, and with reason and consistency, maintain that the same rule should apply with respect to reforestation, restoration of range grass, and all other methods employed to reduce the drought menace, and reclaim and transform a land of aridity into one of productivity.

It may readily be seen that when one attempts to apply the principle of local participation to any plan having for its purpose the reforestation of our lands, soil conservation, and the restoration of native grasses to our arid prairies, one is brought face to face with an impossible and impracticable problem.

However sanguine one may be as to being able to find some rule of procedure by which proper allocations of costs may be made to States benefited by the construction of reservoirs without their confines, that enthusiasm is wholly dissipated in any effort to apply the same rule to the allotment of the costs to benefited areas as pertains to reforestation and soil erosion. The supplying of cover grasses to arid wastes, and of native tree plants to forest sections, is as necessary an adjunct to the control of floods as the construction of reservoirs.

It would be wholly unfair and unjust to insist upon local participation as applied to one method of flood control, and wholly disregard it because of its impracticability with respect to another form. There is only one conclusion to be reached, and that is to eliminate entirely local participation, and require the Government to assume the full responsibility.

I desire to address this remark to the Senator from New York [Mr. COPELAND]. When the Senator undertakes to show that communities should participate in the control of floods in this Nation by assisting to build dams and reservoirs, I desire him also to tell how they are going to participate in the two other great things which are necessary before we shall ever solve the flood problem of the Nation—reforestation and the conservation of our soil. We cannot get by with one unless we get by with the other, too.

The fact that local participation, as applied to reforestation and soil erosion, reduces the principle to an absurdity, is conclusive proof that its application to other forms of flood

control, which are no more important to the system proposed, is wholly without foundation in justice and fairness.

It will be contended, and readily admitted, that any reservoir constructed on the upper reaches of the Ohio River and its tributaries will in some degree bestow benefits upon the States adjoining the Mississippi River between Cairo, Ill., and the Gulf of Mexico. Likewise will it be contended and admitted that reservoirs constructed in far-away Montana, Wyoming, Nebraska, Kansas, Colorado, and the Dakotas, along the winding course of the Missouri River and its tributaries, will in some measure benefit the States on the bottle neck of the Mississippi, namely, from Cairo to New Orleans. Also, reservoirs constructed in the States of Illinois and Wisconsin on the Illinois River and its tributaries, and in the States of Minnesota, Iowa, Wisconsin, and Missouri on the upper reaches of the Mississippi River, also in the States of Oklahoma, Texas, and Kansas on the Arkansas and Red Rivers that flow into the bottle neck of the Mississippi, will result in some indeterminate degree of benefits to the States from Memphis, Tenn., to the mouth of the Mississippi.

This system will comprise more than 1,600 reservoirs in order that exact justice through complete protection may be meted out to each of the several States benefited by each one of these 1,600 pools of impounded waters. It would necessitate just so many—namely, 1,600—allocations of costs for each of the numerous States benefited.

In other words—and I address my remarks to the Senator from Louisiana [Mr. OVERTON]—if we permit the policy of contributions, as assessed by the Board of Army Engineers, to go in this bill, and thus are tied from now on in all the projects that must be eventually constructed before the flood question will be solved, the Senator from Louisiana will be fixing upon his State and I shall be fixing upon my State a proportionate part of the expense of constructing these thousands of dams scattered throughout the Nation. To be more exact, the Army Engineers in this flood-control map, where they estimate the cost at \$8,000,000,000, say there are 2,000 projects, and it is safe to estimate that 1,600 of these projects will be found in the Mississippi Valley. In other words, the State of Louisiana, the State of Mississippi, the State of Arkansas, the States of Tennessee, Ohio, and these other States, will be, as the program is carried out, assessed in the consummation and prosecution of construction of these 1,600 or 1,800 projects, scattered from the Alleghenies on the one side of the country to the Rockies on the other side.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BACHMAN in the chair). Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. BILBO. I yield.

Mr. OVERTON. Does the bill now under consideration provide for assessments, or does it contemplate voluntary contributions on the part of the States and local subdivisions?

Mr. BILBO. In section 3 the bill provides for assessments to be made by the Board of Army Engineers, allocating to each State costs in proportion to the benefits to accrue from the project. The payment of the assessment is not mandatory. The States cannot be made to pay them; but section 3 says that this assessment and contribution from the States shall be made before anything is done in the consummation of the project. So the States are either going to pay it or they are not going to have any flood control; there will not be anything done. The fact of the matter is that the bill makes it absolutely obligatory on the part of the Army Engineers to make the assessment and collect every dollar, and the money must be on the barrel head before anything is done in the consummation of any of the projects upon which there will be allocated assessments to the various States.

Before resuming my remarks, I may say that I contended before the committee that, with a few exceptions, if this amendment shall remain in the bill, it will mean that there will not be any flood-control program, and I will show Senators why I make that statement.

We are going to build a reservoir to control the floodwaters of the Ohio and the Mississippi Rivers, and we are going to build it amid the hills of Pennsylvania, on the Monongahela



or the Susquehanna. This whole work will start by the building of a reservoir in the rock-ribbed hills of Pennsylvania to affect the welfare of the people of Louisiana, Mississippi, and Tennessee. The Engineers will have to do it, not that they may do it, but they must do it if they are able to, the benefits to accrue to the States of Louisiana, Arkansas, and Mississippi, all the States down the line making assessments and then collecting the money. Then they can begin to break ground to build a reservoir in Pennsylvania. If one State—if my State of Mississippi, for instance—is not able to contribute, or if my State refuses to contribute, then Tennessee, Louisiana, Arkansas, and the Ohio towns and the plantations down the river may be flooded because Mississippi refuses to contribute, and the Engineers cannot proceed.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. CLARK. I recall to the Senator's mind that when the so-called Jadwin bill was before us, in 1928, I believe it was, the principle was seriously advocated by General Jadwin and some others, on the theory of local contribution, that in such a case as of a floodway built on the Missouri side of the Mississippi River to protect Cairo, Ill., the Legislature of Missouri should be required to make an appropriation to pay for that floodway. Obviously, of course, that could not happen; and according to this theory of local contribution, Cairo would have had no protection at all, because Missouri, across the river, which suffered and did not profit by the floodway, was not willing to pay for the construction of the floodway.

Mr. BILBO. Exactly. I thank the Senator for his contribution at this juncture in regard to this one item.

The State of Mississippi, in an attempt to save the property and the lives of her people from the ravages of floods, has, out of tax money, contributed over \$50,000,000 in the years gone by. This money was wrung from the taxpayers of Mississippi without any Federal aid, and I am reliably informed that through the Mississippi Valley the taxpayers have contributed in the neighborhood of \$265,000,000 in an attempt to save themselves.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. OVERTON. In order that the RECORD may accurately show the contributions of the lower Mississippi Valley, I may say to the Senator from Mississippi that prior to the adoption of the Jadwin plan, under the act of May 15, 1928, there had been a total local contribution on the part of the affected States, from Cairo, Ill., to the Head of Passes at the Gulf, in the sum total of \$293,000,000, and since the enactment of the 1928 law there has been contributed by these States toward the completion of the plan adopted in the Flood Control Act of 1928 a total in excess of \$41,000,000.

Furthermore, in the modified plan contemplated in the bill which passed the Senate, of which I had the honor to be the author, and which is today being considered by the House committee, there will be required a total contribution of not less than \$8,000,000. In addition to that, the States will have to provide the cost of relocation of highways, and preserve the drainage along the main stem of the Mississippi River.

Mr. CLARK. Mr. President, will the Senator from Mississippi yield to me to ask a question of the Senator from Louisiana?

Mr. BILBO. Certainly.

Mr. CLARK. Under the Overton bill, which recently passed the Senate, the cost of the construction of a causeway across each of these floodways is to be borne by the Federal Government, is it not?

Mr. OVERTON. Does the Senator mean the elevated railroad and highway structures?

Mr. CLARK. Yes.

Mr. OVERTON. Yes; with the limitation, I may say to the Senator from Missouri, that the Government is not to elevate every highway but is to construct one highway over the Eudora floodway, one over the West Atchafalaya, and two over the Morganza.

Mr. CLARK. I understand that; but the point I make is that the Government is to bear the expense. I was in favor

of that, and I am still in favor of it, but I am completely at a loss to understand the theory on which the Government is to finance that construction in Louisiana under the Overton bill and at the same time to assess these local damages against other equally meritorious flood-control projects in other sections of the country.

Mr. BILBO. Mr. President, I am indebted to the Senator from Louisiana for the correct statement of the various contributions. I was merely giving the estimate furnished by a member of the House Flood Control Committee as to the lower part of the Mississippi River.

Of course, these contributions, which amount to over \$300,000,000, as suggested by the Senator from Louisiana, are a mere bagatelle compared with the tremendous losses of property resulting from the floods which have overtaken the people of this great section of the United States. Those losses amount to billions, instead of millions.

If the principle of local participation should apply in this vast expenditure of money to protect the lives and properties of the people, with respect to the construction of reservoirs, canals, and levees, it should with equal propriety apply with respect to any plan for the reclamation and preservation of the arid sections which come within the area that is drained by the Mississippi River and its tributaries.

A program of reforestation and restoration of range grass will not only benefit the section of the West where such a program is absolutely essential, but would benefit in some unknown and indeterminate measure those States along the Mississippi River through which the uncontrolled flood torrents of the West now pour, bearing terrifying disasters in their wake. Whatever agency is employed in these arid sections for the reclamation of lands that increases the retardation of onflowing waters is to a certain extent beneficial to States far beyond where these agencies are employed.

I address this query to the Senator from New York: What modern Pythagoras, what Einstein of our own age, can determine with unquestioned accuracy the proportionate share of the benefits to be derived from the construction of reservoirs in distant lands and the reclamation by reforestation and otherwise of arid areas in remote places? What finite mind is able to make so infinitely complicated a calculation? It is utterly inconceivable that the genius of man, even in this enlightened age of science and mathematics, can approach any satisfactory determination of the proportionate share of this cost which it is alleged should be borne by all the States to be benefited. The whole theory of section 3 is nonsense gone to seed.

Mr. COPELAND. Mr. President, I suggest that the Senator refer that question to the taxpayers. Do not ask the question of me. The taxpayers also have some rights.

Mr. BILBO. I assumed that the Senator was representing the taxpayers.

Mr. COPELAND. I am representing the taxpayers of my State, and in the position which I am taking here I think I am representing the taxpayers of every State.

Mr. BILBO. The Senator may be representing taxpayers who may be able to meet the partial burden of the program which they are assuming under the bill, but he is losing sight of the taxpayers who are not able to bear the burden which is placed on them by the bill.

Mr. COPELAND. Of course, Mr. President, the problem must be dealt with in its general aspects. If I could differentiate between the poor, between those who can ill afford to pay taxes and those who are abundantly able to do so, I would join the Senator. In the Golden Triangle of Pittsburgh there was a loss of \$200,000,000 in the last flood. Why should the Golden Triangle, with all its wealth, be absolved from the burden of paying \$30,000,000 toward the construction of work which will give it safety in the future? I can find no answer to that question.

The Senator from Mississippi may be willing to have the taxpayers in his State taxed to take care of wealthy Pennsylvania or, to make it more personal, my own State of New York, because we would be spared the payment of \$8,000,000 or \$10,000,000 if the Senator's proposal should be adopted;



but why should we not pay our \$8,000,000 or \$10,000,00 for the cost of land and damages? Why should we ask the taxpayers of Mississippi to bear a share of the cost of installing works in the State of New York? I contend it is not fair to the taxpayers of Mississippi to relieve the taxpayers of New York from the burden which they ought to carry.

Mr. BILBO. Did the Senator from Pennsylvania desire to answer concerning the "Golden Triangle"?

Mr. DAVIS. I wish to ask the Senator whether the substitute he is offering will be in place of section 3 of the bill.

Mr. BILBO. Yes, Mr. President; it is a substitute for section 3.

The Senator from New York speaks of the "Golden Triangle" of Pittsburgh and mentions its great wealth. The fact the Golden Triangle contains great wealth affords no reason why a principle should be violated in order to make it contribute to the program in question. My contention is that the program is a national one. Whether a section is wealthy or whether it is poor does not enter into the question as a matter of equity, as a matter of fairness. It may be that New York State is more able to pay her share of the amount assessed against her than the State of Mississippi. I might go into details and explain why New York has more money than Mississippi. We have had some part in bringing about that condition.

Mr. DAVIS. The income from all the buildings in the Golden Triangle would not pay 1-percent dividend on all the property in the Golden Triangle.

Mr. BILBO. Mr. President, there is proposed in section 3 a scheme that is not feasible, a scheme that will not work, a scheme that is impracticable.

Mr. DAVIS. In other words, if a community does not have enough money to pay practically 50 percent of the cost of flood control, it must drown in the next flood that occurs, as has happened in all the other floods.

Mr. BILBO. That is exactly the point I was leading up to. New York may be able to pay her part and so get a healthy contribution from the Treasury of the United States, thereby protecting the lives and property of citizens of that State; but a condition that cannot be met is being imposed on other States and other people. Therefore they will be denied their share of the Federal contributions and suffer the ravages of flood.

In making determinations of the proportionate assessments for the several States, there are so many diversified elements to be taken into consideration that the authorities charged with this responsibility will of necessity ere long appreciate the utter hopelessness of arriving at a satisfactory conclusion.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. FLETCHER. In the hearings before the Commerce Committee, the Senator may recall that I raised the question whether it was possible for the Engineers to apportion the benefits accurately among the several States. For instance, if a dam is built in Pennsylvania, what benefit will there be to Mississippi, and how will the Engineers arrive at what the benefit will be? The reply was made that they could do that, that it was practicable, and that they had proceeded in that direction successfully heretofore. I am not yet clear about that matter. I think that is the main difficulty.

Mr. BILBO. Mr. President, I appreciate the question of the Senator from Florida. I take the position that it is an absolute impossibility equitably, fairly, and justly to make those assessments. As I said, even Einstein would not be able to figure it out; and if it is attempted to be done, it will be an arbitrary exercise of judgment on the part of the Army Engineers in making the assessment, and not predicated upon any rule of justness, fairness, or equity.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. WALSH. Of course if these projects of flood-control are delayed until the working out of the apportionment that each State should pay, they will never be erected. Is not that correct?

Mr. BILBO. The Senator is correct. The present provision in the bill means that there will be a break-down and failure to carry out the program.

Mr. WALSH. Is there anything in the bill to indicate that the Federal Government will proceed with the flood-control projects and leave the matter of assessment undetermined until later?

Mr. BILBO. There is a positive prohibition in section 3, stating that they cannot proceed until the money is assessed and in hand and on the barrel head.

Mr. WALSH. Some manufacturers from my State, who were here recently, threatened to abandon their industries along the riverbanks where floods occur, on the theory of what the Senator from Mississippi said would happen, that there would be delay and delay and delay in getting action. I hope the Senator from New York, in charge of the bill, will see to it that provision is made that where there is really need for flood-control projects, the Engineers shall proceed to take care of them and leave the matter of assessment until afterward.

Mr. BILBO. Mr. President, under the provisions of the bill it may be that in New York or in some other more favored State the necessary assessments can be provided at once, and the projects proceeded with immediately, but in other States there are projects that will be forever barred by reason of section 3.

Mr. WALSH. The Senator from Mississippi, as well as the Senator from New York and other Senators, desires action. We have learned as never before the menace and suffering and loss and disasters resulting from floods; and the country desires action, and speedy action. We do not wish to have any red tape. I hope the Senator from New York will see to it that provision for action will at least be provided in the bill.

Mr. BILBO. The Senator from Massachusetts has suggested one of the reasons why I am making a fight against section 3. I know that if the Engineers should decide to build a dam on a river between Vermont and New Hampshire, and Connecticut and Massachusetts could not get together on the payment of their contribution to the building of the dam between the other States, a long time would elapse before relief could be obtained.

Mr. WALSH. That is just what some of our manufacturers fear, and vigorously protest against. As the Senator from Mississippi said, in such a case the State would be a long time in getting relief. Can the Senator from New York clear up that matter, and assure us that such a thing will not happen?

Mr. BILBO. The delay will happen, because the provision of the bill is that the State or community shall not get anything until it has put its share of the money on the barrel head.

Mr. WALSH. Assessments must be made upon the State as to the money to be paid before the Federal Government will undertake the work?

Mr. BILBO. The work cannot even be begun until the money is put up. The Engineers would not be permitted to visit the territory until the local money was provided.

Mr. WALSH. Does the Senator from New York agree to that statement?

Mr. COPELAND. Mr. President, where is the provision in the bill?

Mr. BILBO. It is in section 3.

Mr. COPELAND. Whereabouts?

Mr. BILBO. Cannot the Senator find it?

That hereafter no money appropriated under authority of this act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will—

And so forth.

Mr. COPELAND. I thank the Senator. Now, let me answer the Senator from Massachusetts.

I think the Senator from Mississippi said that the project could not be proceeded with until the money to be furnished by the State was put on the barrel head.



Mr. BILBO. I take it action can be had if we have the right kind of a Secretary of War. I presume, if he is a businessman, action can be had.

Mr. COPELAND. As a matter of fact, the bill provides that the projects are to go forward when the Secretary of War has been given assurance satisfactory to him that the costs will be provided. In the meeting which was attended by the Senator from Massachusetts the other day, I explained that if projects are organized, as provided in section 4, or where compacts are entered into between States, or where the State itself has made some arrangement, as my State has made, which is sufficient, it is not necessary to put the money on the barrel head. It is simply necessary that assurance be given to the Secretary of War that there is sufficient arrangement for contribution to be made in due time. I think that "due time" would be a very questionable time. Perhaps it would mean several years before it is all paid. But there cannot be any delay under the terms of the bill; and I ask the Senator, in all kindness, as one who helped to write it, to support the bill as it is.

Mr. WALSH. Mr. President, would the Senator from New York be willing to have an amendment adopted making it clear that the Federal Government shall proceed even if the money has not been paid?

Mr. COPELAND. Yes, sir. If the Senator will prepare an amendment to make clearer what we have put in the bill, so far as I am concerned, as one member of the committee, I will say yes; because it is perfectly clear to me that that is the intent of the bill.

Mr. WALSH. The Senator from New York recalls the evidence presented at the hearing the other day—and I should like to have the Senator from Connecticut confirm it—that the people have left their homes in Hartford and in Springfield and will not move back into their homes, because the recent flood so frightened them that they do not want to live in the valley of the river.

Mr. LONERGAN. In many instances, the Senator's statement is correct.

Mr. WALSH. I thank the Senator from Mississippi for yielding for this important discussion.

Mr. COPELAND. There is much more I should like to say on the subject, but I do not desire to impose on the Senator from Mississippi.

Mr. BILBO. Mr. President, the Senator from New York, in response to the suggestion which has been made, advances the theory that all that is necessary is to satisfy the Secretary of War that the money will be forthcoming. I should like to have the Senator explain to the Senate just what he means, and what will be necessary to show to the Secretary of War and to present to the Secretary of War to satisfy the Secretary of War that the money was forthcoming.

I take it that we are proceeding to legislate upon a safe basis, upon a business basis. There has been no suggestion in this bill, so far as I have seen, that any line of credit is going to be extended to any particular community or State or locality. It is a business proposition.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BILBO. Yes, sir.

Mr. COPELAND. It stands to reason that the localities must provide the lands. When they have provided the lands the Army Engineers will proceed. There is nothing new about that; that has been the practice in every measure of this sort in the Senator's own section of the country. The Senator from Louisiana has just testified that they have paid for levee locations—how many hundred million dollars?

Mr. OVERTON. The total contribution was \$292,000,000, plus \$41,000,000, and plus many million dollars of additional contributions.

Mr. COPELAND. So, nearly \$400,000,000 has been contributed in the lower Mississippi. Yet the Senator from Mississippi comes forward to say, "In spite of the fact that my State has spent millions in the past for this sort of thing, Pennsylvania and New York now must be relieved of the

burden of paying their share of the cost of lands and damages."

Mr. BILBO. Mr. President, in response to that observation of the Senator, let me say that we are not asking for a return of any of the money that has been expended. I am only insisting, as we begin a real flood-control program for the Nation, a Nation-wide program, which means the expenditure of \$12,000,000,000 or \$15,000,000,000 before we have finished the job, that we establish a policy that is equitable and fair, a policy that is right. That policy should be, since the whole Nation, every section of the United States, is interested in flood control, since the flood-control problem will never be solved until we have soil conservation and reforestation as component parts of the elements necessary to make it a success, and since every section of the United States will be benefited, the entire Nation, through the Federal Government, every section of the United States should contribute in doing those things necessary to execute this program.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. DAVIS. As I understand, the Congress have appropriated already and there has been spent by the Government some two hundred and fifty or three hundred million dollars for flood control and the Congress have also appropriated nearly a billion dollars for river and harbor improvements.

Mr. BILBO. That is correct, and there has not been any local contribution in connection with river and harbor appropriations, and there never has been any question raised about it.

Mr. President, resuming the thread of my argument, take for example the proportionate share of Mississippi's contribution to the construction of 13 reservoirs in the upper reaches of the Ohio River and its tributaries. It must be admitted that these projects, if taken in connection with similar projects built along the courses of all other rivers flowing into the Mississippi would be more beneficial to the State of Mississippi than if only a limited number of these reservoirs were built. The 13 reservoirs in the Ohio Valley alone would not suffice to protect the State of Mississippi from flood disasters. Reservoirs built upon one or two other rivers in addition to those built in Ohio still might not give adequate protection. The degree of benefits, therefore, to be derived by the State of Mississippi will be determined by the degree of accomplishment in the perfection of the entire system.

Shall Mississippi pay its full proportion of the costs of the completed system 20 years before that system is finished? Certainly not. Then, how are the authorities charged with the duty of making these allocations to determine accurately just what Mississippi's proportionate share would be at this time in the construction of the 13 projects of the Ohio Valley? Again, the States along the Ohio River would receive benefits from the aforementioned 13 projects on many occasions when none whatever would accrue to the State of Mississippi. This is true because the Ohio River sometimes overflows and occasions great destruction of property and human lives, and yet when those self-same waters are poured into the mighty Mississippi they may add only a few inches to the water level of that river.

The State of Mississippi suffers from the ravages of floods only when there is a conflux of excessive waters from all the rivers constituting the Mississippi River and its tributaries. No one of these tributaries can cause any appreciable rise in the Mississippi. It requires an increasing tide and volume pouring in from all sections of the country drained by the Father of Waters. With what degree of accuracy can the science of mathematics determine Mississippi's pro-rata share in the cost of any particular group of reservoirs or the reforestation of any particular section of the country when her flood fate is determined by fortuitous chance?

I could go on at great length discussing the various elements that should be given consideration in making these



determinations with respect to pro-rata assessments against the States, any one or all of which would add greater emphasis to the well-known fact that the whole proposal is manifestly impracticable.

Furthermore, making these allotments of the proportionate cost burden to be borne by the several benefited States from any one project, or a closely allied group of projects, and submitting them for ratification before actual work begins, as is provided in section 3 of this bill, will entail an interminable number of joint and collective acceptances, and these myriad transactions with the benefited States, their subsidiaries, or responsible local agencies, will recur as the work progresses at frequent intervals over a period of 20 years or more.

Behold an infinitely long chain of separate negotiations of this character stretching out through the decades yet to dawn and following the winding courses of all the rivers and rivulets of the continent, and then contemplate for a moment the inescapable eventuality of some one or more links in this tortuous chain being broken, thereby destroying the binding force and effect of a unified system of flood protection, and, if not overwhelming the whole scheme of things in disaster, most surely defeating the noble purpose of guaranteeing flood protection to all the people of the Nation. To make it more emphatic, under section 3 of this bill the Army Engineers and the Secretary of War are strictly prohibited from launching any project until every dollar from every State assessed shall have been paid.

Oh, yes; the States of Massachusetts and Connecticut may get together and agree upon the proportionate share of the cost to build a dam on the Connecticut River between Vermont and New Hampshire, but what about the States of Mississippi, Louisiana, Arkansas, Tennessee, and Kentucky agreeing upon their proportionate share of the cost of building a dam in Montana on the Missouri, or on the Arkansas, or on the Red River, or on the Ohio?

Mr. President, the economic side of this question should not be overlooked. According to the best authorities who have investigated the subject of soil erosion, we are told that the rate of wastage, if continued for the next half a century, will render unproductive more than two-thirds of the Nation. The Senator from Arkansas [Mr. ROBINSON], in a statement before this body on April 2, said:

That the soil of one-half of the lands now in cultivation in the entire United States has been so damaged that those lands are scarcely fit longer for cultivation.

It may be said without fear of contradiction by any responsible authority that has made a study of this question that it will be only a comparatively short time before the dust storms that originate in the West will become so violent and so laden with earthen matter as to obscure the face of the heavens for a period of 3 months in each year. I am not an alarmist, nor am I a pessimist, and yet I can make that statement.

With respect to the loss of life and property under present conditions, it is claimed that the Mississippi Valley lost approximately \$1,000,000,000 during the flood of 1927. Then why complain about a few hundred million dollars in this bill or any other bill along this line?

The loss in the Mississippi Valley is a total loss. Proportionate devastation costs obtain in every section of the United States. The special committee of river improvements and flood control, reporting on conditions in New York subsequent to a recent flood, but having no reference to the flood which happened 2 weeks ago, said:

After a 200-mile inspection tour of flood damage it was noted that crops and property had been ruined by raging waters that had leaped from their channels to sweep over the country sides. In the city of Hornell 16,000 people are drinking water from milk cans hauled in trucks. Fifteen hundred of the city's residents have been thrown out of work because of the city's industrial loss, estimated at \$738,000. Mayor Leon Wheatley estimates the home loss at \$900,000, retail-store loss at \$280,000, loss to the railroads at \$370,000, making a total of \$2,288,000.

Damages to State highways and bridges are estimated by district engineers to be approximately three and a half million dollars. Counties, villages, and cities suffered losses to roads and bridges estimated at six and a half million dollars. On July 8 and 10 43 lives were lost and damage estimated at \$25,000,000 was caused.

I give these citations merely to show the extent of devastation for only two separate floods that raged in two widely separate districts of the Nation. If one had available the costs that the States have incurred without Federal aid in building their levees and canals, also the loss they have sustained in spite of these efforts, throughout the last century, it would amount to many billions of dollars.

After suffering all these losses and privations and sorrows through the long and trying years that have passed, ill does it become this Congress now to urge that the States should bear a proportionate share of this great and necessary burden that rightfully should be the responsibility of the National Government. We have suffered enough. We have paid enough. We have carried a sufficient load. Part of the losses cannot be restored, no matter what degree of prosperity we may enjoy, because they involve hundreds of lives which the floods along the Mississippi River have cost in recent years.

It may be of some interest to learn that some of the greatest earthquakes of all time have occurred from an excessive overloading of the valleys by a distribution of sediments brought down by the streams from the uplands and mountains which are drained by the rivers and course through these valleys.

I trust no one will think I am somewhat excitable in my argument for the prosecution of flood control when I find one of the effects of the neglect of duty on the part of the Congress in controlling the flood situation has been the earthquakes we have had and earthquakes which are yet to come. If I am wrong in my contention, then blame the scientists, who know more about it than do the Members of Congress.

Among the great earthquakes that have visited all sections of the earth but few, I am told, have compared with the great earthquake in the Mississippi Valley of 1811. To give some idea of the extent of the territory affected by this earthquake, I quote from a statement of the United States Geological Survey Bulletin 494:

A total of over 1,000,000 square miles, or over half of the entire United States, was so disturbed that the vibrations could be felt without the aid of instruments.

The most violent section of this earthquake was in the vicinity lying between Memphis, Tenn., and St. Louis, Mo. There were few people living in that section in 1811. Consequently the loss of life was not great. Today, millions reside in this district, and a similar disturbance at this time would exact a toll of life and property damage that would be appalling.

The volume of earth under present conditions now being deposited in the Gulf of Mexico amounts to about 400,000,000 cubic yards each year. These vast deposits through bygone centuries have formed what we now call the Mississippi Valley. Even today at the mouth of the Mississippi River the Delta is being extended into the Gulf of Mexico by sediment deposit at the rate of 1 mile for each 20 years. The depth of this deposit throughout the Mississippi Valley is undetermined. The constant accumulation of sediments brought down by the flowing waters causes an overbalance of the earth structure affecting the lower strata with the result that an earthquake follows.

From the Popular Science Monthly, in which an article appears by Myron L. Fuller, of the United States Geological Survey, I quote these words:

In the New Madrid country, southeast Missouri, the quaking has continued for several hundred years. Both at Charleston and New Madrid earthquakes occur in regions where the earth's crust is being overloaded in the one instance by sediments brought down by streams from the Appalachian Mountains and in the other by the floods of the Mississippi, and the fracturing is believed to have resulted from the readjustment of the harder rocks to the increased load.

Mr. F. W. Sohon, of the Georgetown University Seismological Observatory, in a letter written May 23, 1930, had the following to say:

With regard to the probability of another earthquake similar to that of 1811, seismologists regard it as an axiom that where there has been an earthquake there will surely be another. It is true that an earthquake relieves a strained condition that has been a



long time in forming, but the area of the Madrid earthquake of 1811 was visited by an earthquake of similar intensity a hundred years earlier so that another hundred years having elapsed another visitation may be in order.

The relation of eroded material to earthquakes is probably one of direct casualty in the long run, for the denuded areas become lighter and must be pushed up, while the areas receiving the additional load by becoming heavier must be expected to sink.

I do not want to undertake the role of prophet. I am merely giving the result of scientific investigation. The more civilized we become and the more we know in and of this world, the more respect we have for men who have a scientific turn of mind.

The earthquake of 1811, concerning which few people have any knowledge, created Reel Foot Lake, located in Tennessee. It is said that the course of the Mississippi River ran north for 24 hours. A full account of this horrible seismic disturbance may be found in Bulletin 494, issued by the Department of Interior and entitled "The New Madrid Earthquake." Since it is now well known, as a result of the observation of scientists, that this, the greatest of all earthquakes, occurred from causes due to soil erosion and the maddened flow of on-rushing waters, it is by no means unwise to give consideration to an appreciable extent to the destructive effects of uncontrolled floods as reflected by the great catastrophe that took place at Madrid, Mo., beginning December 16, 1811, and continuing with more or less severe shocks for more than a year.

The earthquakes of history have been the cause of greater loss of life and property than any other known agency. Any system of water control that can by any possible means control and direct the agencies that cause seismic disturbances so appalling in results should be supported and maintained by the National Government.

At the outset of this discussion I stated that before the removal of our forests for commercial purposes and before the extensive cultivation of our western prairie lands for growing wheat and corn, thus depleting the cover grasses that since the beginning of time had kept the water line close to the surface, there was a time when the dangers from excessive waters were by no means serious. By the help of these natural agencies, such as cover grasses and the timber growth, individual localities were able to combat successfully the injurious tendencies of swollen streams.

For a considerable period of time, and by no means not until these cooperative natural agencies were removed and no vestige thereof was remaining, in order to meet the demands of trade and commerce and the mounting requirements of civilization, the people living directly in the flood paths were able to make themselves reasonably secure from any flood disasters.

I have in mind a particular instance illustrating this point. In a bend of the Mississippi River, about 25 miles south of Vicksburg, Jefferson Davis, the President of the Southern Confederacy, and his brother, Joe Davis, owned adjoining plantations, and on these tracts of land built magnificent homes. The residence of Mr. Jefferson Davis still stands and is in a perfect state of repair. Not so very long ago a friend of mine visited this magnificent site because of its historic interest, and while seated in the dining room of the old Davis home during the evening meal observed to his amazement a water line uneffaced upon the plastered walls, indicating clearly the height, about 8 feet, to which at some previous time the floodwaters of the Mississippi River had risen. Whereupon this friend inquired of the caretaker why it was that a man of Mr. Davis' knowledge of the Mississippi River and its overflow possibilities, a man of his ability to make wise decisions as to his financial investments, as had been evidenced by past performances, would build a beautiful home to live in and rear a family at a spot where the waters of the valley would rise 8 feet in the dining room. The answer given by the caretaker was that when Mr. Jefferson Davis and his brother Joe bought these properties and built homes and tenant houses upon them the waters from the Mississippi River had never been known within the memory of man to cover any part of these two large plantations.

At the time these properties were improved, and hundreds of years prior thereto, the Indians lived in many sections of the Mississippi Delta, as may be seen from the numerous mounds that today dot large areas from Natchez on the south to Memphis on the north. These mounds are in no sense to be considered as constructed for places of refuge from the floods, because mounds of the same size and character are to be found in the hill sections of the State, where the Choctaws and the Chickasaws lived.

As time passed on, from the day Jefferson Davis settled at what is now called Palmyra, overflows on the Mississippi River have at more and more frequent intervals been recurring, each time with accumulative force and violence. This gradual increase in frequency of flood stages and in volume of waters that annually flowed through the Mississippi channel may be measured with fine exactness by the progress made in denuding the lands of the upper reaches of the tributaries of the Mississippi of the forest timbers, and in the extent of turning under the grass coverage of our western plains and other areas by the plowman.

This tendency, increasing at a geometrical ratio toward a more terrifying flood menace, has now become manifest, not only in the Mississippi Valley but in almost every other section of our country, in areas where just a short time ago no signs of a flood problem were to be seen upon the horizon of coming events.

Today it may be stated as an irrefutable fact that the ratio of the progress made in depriving our lands of the forests and cover grasses corresponds to the ratio of increased flowage of waters through our navigable channels and their tributaries. Upon the basis of this theory, which determines and definitely fixes the primal cause of accumulative flood devastation and disasters appertaining to the Nation as a whole, I am prepared to propound this interrogatory:

Since our priceless forests have gone into the grinding, greedy crawl of trade and commerce to improve the general welfare of all the people to increase the growing wealth of the Nation; since this bountiful gift of nature, this invaluable heritage belonging to all the people, has gone into homes for their comfort and ease, has been fashioned into ships to carry their commerce on the seven seas, has been employed for fuel to propel their engines and warm their firesides, and for material to construct the coffins in which to bury their dead; since the perennial carpet of evergreen grass which lay unmolested upon our expansive prairies for untold centuries like a benediction from a beneficent heaven whereon have trod the hoofs of buffalo and bison from a far-away past to which the memory of man runneth not has been upturned by ruin's cruel plowshare in order that the Nation's wealth might be augmented, that the teeming millions of our country might be given an abundance of bread, that our soldiers might be fed on a foreign soil and all those who fought with them to make the world safe for democracy; since all these things have transpired for the improvement and betterment of the general welfare, for the enrichment of the Nation's wealth, and the glorifying of a more exalted civilization, may I not now, in the year 1936, in the presence of this Congress, elected by the people, call with the utmost propriety, supported by every rule of reason and justice, upon this Nation through its constituted authority, the Congress of the United States, to restore to the people of America that which has been taken at a pitiful price lest it be our lot to have brought upon us the fate of those dwellers on the banks of the Nile, the Tigris, and Euphrates, and of the starving millions living on the sandy wastes of desolate China?

I call upon the Members of this body to return to the lands of our country those natural agencies which have been, and if restored may yet be, our best means of preservation. Give back to the people without price that measure of the wealth taken from the land for the enrichment of the general welfare that is requisite to the restoration of a condition that will also promote the general welfare and at the same time make every part of our Nation a fit place in which to live.

If the Nation exhausts the natural resources of the country or permits it to be done to the extent that the lives and



property of a vast majority of the people are seriously endangered by a menace occasioned by the consumption of these resources, it is nothing but right and altogether proper that the Government at its own expense should take the necessary steps to avert the impending peril thus created. A common danger made possible by the removal from their natural placements of instrumentalities that have gone into the promotion of the public good and contributed to the progress of civilization should be eliminated by a restoration in proper degree of those self-same instrumentalities by the Government at the expense of the whole people who, together with the Government, have been the beneficiaries.

In conclusion, I wish to state that we are starting on the highway to spend \$12,000,000,000 in the proper solution of the flood problem, which menaces the lives and property of the people of the Nation. As we start, let us start right. Let us fix the responsibility upon the persons who are to be the beneficiaries; and from every reasonable standpoint and from every logical argument and from every fact that may be deduced, the benefits will accrue to every man and woman of this Republic.

If that be true, then the burden should be borne by the people of the entire Nation and not saddled upon this section or that section. One may be able to pay it; another one is not able to pay it. Let us put it on all. Let the blessings that will follow cover the people of the Nation like the dew that covers the face of the earth, and let the burden be distributed in the same way.

Mr. President, I offer and move the adoption of the amendment which I have read as a substitute for section 3 of the committee amendment.

The PRESIDING OFFICER (Mr. MURPHY in the chair). The amendment to the amendment will be stated.

The CHIEF CLERK. In lieu of section 3 as printed in the committee amendment, it is proposed to insert the following:

SEC. 3. It is hereby recognized that the Federal Government should assume the full burden and responsibility for the improvement of navigable waters or their tributaries for flood-control purposes and that neither the whole nor any part of the expenditures necessary for the construction of any project within the provisions of this act shall be required of any State or the States, political subdivisions thereof, or other responsible local agencies.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. BILBO] to the amendment of the committee.

Mr. DAVIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	O'Mahoney
Ashurst	Clark	Holt	Overton
Austin	Connally	Johnson	Pittman
Bachman	Coolidge	Keyes	Pope
Bailey	Copeland	King	Robinson
Barbour	Couzens	La Follette	Russell
Barkley	Davis	Logan	Schwellenbach
Benson	Dieterich	Loneragan	Sheppard
Bilbo	Donahay	Long	Shipstead
Black	Duffy	McAdoo	Smith
Bone	Fletcher	McGill	Stelwer
Borah	Frazier	McNary	Thomas, Okla.
Brown	George	Maloney	Truman
Bulkley	Gerry	Metcalf	Vandenberg
Bulow	Gibson	Minton	Van Nuys
Burke	Glass	Moore	Wagner
Byrd	Guffey	Murphy	Walsh
Byrnes	Hale	Murray	Wheeler
Capper	Harrison	Neely	White
Caraway	Hastings	Norris	
Carey	Hatch	Nye	

The PRESIDING OFFICER (Mr. POPE in the chair). Eighty-two Senators having answered to their names, a quorum is present.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3789) authorizing the Secretary of Commerce to convey the Charleston Army Base Terminal to the city of Charleston, S. C.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat-inspection laws, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7736) to provide for the establishment of the Whitman National Monument, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DE ROUEN, Mr. KNUTE HILL, and Mr. ENGLEBRIGHT were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8766) to authorize municipal corporations in the Territory of Alaska to incur bonded indebtedness, and for other purposes.

The message informed the Senate that Mr. JENKINS had been appointed a manager on the part of the House vice Mr. TREADWAY, resigned, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9185) to insure the collection of the revenue on intoxicating liquor, to provide for the more efficient and economical administration and enforcement of the laws relating to the taxation of intoxicating liquor, and for other purposes.

#### INTERIOR DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 10630, the Interior Department appropriation bill, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,

May 20, 1936.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 31, 32, 33, 35, 39, 50, 52, 56, and 83 to the bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 46 to said bill and concur therein with the following amendment:

In lieu of the sum proposed to be inserted by said amendment insert "\$432,300";

That the House recede from its disagreement to the amendment of the Senate numbered 87 to said bill and concur therein with the following amendment:

Page 19, line 11, of the Senate engrossed amendments, strike out "\$40,000" and insert "\$25,000"; and

That the House insist upon its disagreement to the amendments of the Senate numbered 24, 53, and 54 to said bill.

Mr. HAYDEN. I move that the Senate agree to the amendments of the House of Senate amendments numbered 46 and 87.

The motion was agreed to.

Mr. HAYDEN. I also move that the Senate further insist on its amendments numbered 24, 53, and 54, and request a further conference with the House of the disagreeing votes of the two Houses thereon.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. McKELLAR, Mr. THOMAS of Oklahoma, Mr. NYE, and Mr. STEIWER conferees on the part of the Senate at the further conference.

#### NATIONAL FLOOD CONTROL

The Senate resumed consideration of the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. BILBO] to the amendment of the committee.

Mr. COPELAND. Mr. President, I should like to ask the Senator from Pennsylvania whether he desires to speak on the amendment now pending?

Mr. DAVIS. Mr. President, yesterday, I called attention to the fact that I believed that flood control should be considered a Federal responsibility. Those who assert that half



of the burden should be carried by local agencies do not specify how those agencies can meet the responsibility.

Take the case of Pittsburgh, as an example. While there are in Pittsburgh a few rich corporations, and some handsome business buildings, a general tax of all the property owners of the city to finance a flood-prevention program would work a tremendous hardship on the many without assessing a proportionate share of the responsibility on those best able to sustain the burden.

I believe that the responsibility should rest upon the country as a whole, because those best able to sustain the burden should pay their full part of the cost of flood control.

Unless the National Government assumes the full financial responsibility, there will be further delay, and each year may witness additional flood loss.

The Federal Government, through its power to tax, can best meet this need, and distribute the responsibility with greater equity than can be achieved through dependence on local communities.

As I said yesterday, local units of government should play their part in administrative responsibility, but the machinery of tax collection requires the authority of the Federal Government.

Mr. President, I am in favor of the amendment offered by the Senator from Mississippi, and I hope it will be agreed to.

Mr. CLARK. Mr. President, I do not desire to detain the Senate by a repetition of the arguments which have been so ably presented by the Senator from Mississippi [Mr. Bilbo]. I do wish to emphasize that the enactment of a flood-control bill at all is a recognition of the fact that the matter of flood control, the matter of the prevention of this most disastrous scourge to our American life, is essentially a national problem, and that is true from its very nature.

Nature does not regard arbitrary State lines in dumping water from one State into another in the creation of these great disasters. As a matter of fact, in most of the cases which have been testified to by the Army Engineers and other authorities before the Committee on Commerce, which are included in the bill, there is an essentially interstate character to the problem itself. For instance, it is testified that the best method of protecting the lower Connecticut Valley is by reservoirs and dams located in Vermont and New Hampshire. Certainly the Fort Peck Reservoir, located in Montana, will be of very great advantage to the lower Missouri and lower Mississippi channels in the matter of prevention of floods. To my mind—and I believe this is borne out by the engineering report—the best way of protecting the lower White River Valley would be by a dam located in Missouri, some 7 or 8 miles from the Arkansas line.

The works necessary to protect the city of Pittsburgh from such a disastrous flood as took place this winter would in large part be located outside the State of Pennsylvania; and in such cases as that, Mr. President, it is perfectly preposterous to talk about assessing the local benefit or requiring local contribution from the localities at which the dams have to be located, because, in a great number of instances, the localities in which the dams have to be located will enjoy no advantage whatever by reason of the location there of the dams. Some other State or some other locality farther down on the main stem of the stream will enjoy the benefit from a dam located at another place. To empower some official of the Federal Government to enforce local contribution or State contribution as a condition precedent to the construction of the works is simply to say in so many words, in enacting the bill, that we do not intend to have the work done.

The Senate itself has very recently passed on the policy of that matter in the enactment of the Overton flood-control bill. That act provides for the building, at Federal Government expense, of a causeway, an elevated highway, to be used for both highway and railroad purposes, over the Eudora floodway and over other floodways. It is a remarkable proposition to say, simply because the provisions of the Overton bill are in one act and the provisions for the rest of the country are in another act, that one rule of Federal contribution shall be applied to the State of Louisiana and to the State of

Arkansas and another rule shall be applied to all the rest of the United States.

To say that a Government agency or a Government official shall be empowered to pass on the contributions to be made by the local agencies and the States is, I repeat, to my mind simply to defeat the whole purpose of the bill.

While the Senator from Mississippi occupied the floor, I mentioned a while ago an evidence of what bureaucrats may believe to be fair and equitable when it comes to the application of such a principle, and that was the opinion of the late Chief of Engineers, General Jadwin, a very able engineer, who seriously proposed, both before the House Committee on Flood Control and the Senate Committee on Commerce, that the State of Missouri should be assessed for the construction of a floodway to be built on the Missouri side of the Mississippi River for the protection of Cairo, on the Illinois side of the Mississippi River, and in response to a question before the Commerce Committee by my predecessor, Senator Hawes, General Jadwin said it seemed absolutely inconceivable to him that the Legislature of Missouri would not be willing and glad to appropriate a couple of million dollars for building a floodway on the Missouri side of the river, to her own damage, for the purpose of protecting the city of Cairo, on the Illinois side of the river.

Mr. President, the theory of local contribution and of State contribution is a beautiful theory, and a just policy in theory, but when applied to the intricate problems which nature has supplied the country in the intimate interstate relationship of water passing from one State to another, regulated not by boundaries established by law but by courses established by nature, the theory completely fails. As a matter of fact, the only justification on earth for the passage of any flood-control bill is that the problem of flood control is essentially a national, interstate problem, and if it is a national, interstate problem, it ought to be handled from the standpoint of the Federal Government. If it is not a national, interstate problem, then the Federal Government has no right to be spending public moneys on handling the problem at all.

Mr. GUFFEY. Mr. President, I favor the enactment of the Bilbo amendment, because, in my opinion, a flood-control bill without the Bilbo amendment is not practical, is not feasible, and is not enforceable; and I predict that not a single flood reservoir will ever be built under the bill if it does not contain the Bilbo amendment.

I think the bill as it is now constituted is unjust and discriminatory, and I hope the Bilbo amendment will prevail.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. VANDENBERG. Mr. President, does the Senator from New York intend to address himself to the pending amendment?

Mr. COPELAND. I do wish to make a few remarks.

Mr. President, I desire to say in the most solemn words that, in my opinion, the bill will not become a law if the amendment of the Senator from Mississippi shall be adopted. I hesitate to say that, because I have had my feelings ruffled a good many times when a similar statement has been made about some other bill; but it has not been the practice of our country to go forward with projects which in the last analysis are local in their nature so far as benefits are concerned, and have the charge for them made upon the Federal Treasury.

This matter was debated in the Constitutional Convention of 1787. The question arose as to establishing post offices, and giving to the Congress power to establish post offices. It was then decided that jurisdiction over post roads should also be given to Congress. I can quite understand why the convention included post roads in that remote day, because the morasses and marshes and jungles of our country were such that without roads the mails could not be carried, and horseback travel was interfered with.



So it was provided that post roads might be established, and power was given to the Congress to appropriate money for that purpose. That provision of the Constitution is the constitutional reason why it has been possible for us to have the great system of highways which we have built throughout our country.

When the matter was up in the Constitutional Convention Dr. Benjamin Franklin proposed that the Congress should have the power also to build canals. He proposed that Congress should establish post offices and build canals. In those days canals were short affairs conferring local benefits. When he made that proposal, however, the delegates smote him hip and thigh. They said, "No; the building of a canal confers a local benefit, not a Federal benefit." So it has been the policy and the practice from the first that the localities should at least provide the land and pay the cost of damages for building these Federal highways.

May I have the attention of the Senator from Massachusetts [Mr. WALSH] for a moment? There is a misunderstanding as to the purpose and intent of the bill as regards section 3. My distinguished friend from Mississippi did much to promote that misunderstanding in his very able speech. He will forgive me for saying so. There is not anything in the bill which provides that the State or locality must put the money on the drumhead or the barrel head, or whatever phrase he used—an unfamiliar one to me.

Mr. BILBO. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I yield.

Mr. BILBO. Just what would have to be put up to get results—money or a promise to pay? What is the difference between the two?

Mr. COPELAND. I shall reply to that question in a moment. In order to make more clear what is intended, so far as I am authorized to do so, I am willing to accept an amendment which is now in the hands of the Senator from Massachusetts.

Mr. WALSH. May I offer it at this time?

Mr. COPELAND. I wish the Senator would. Will the Senator from Mississippi permit us, a little bit out of order, to present a perfecting amendment?

Mr. BILBO. Yes; Mr. President.

Mr. WALSH. I offer an amendment to the committee amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 55, line 14, following the word "Provided", at the end of the line, it is proposed to insert the following:

That the construction of any dam authorized herein may be undertaken without delay when the dam site has been acquired and the assurances prescribed herein have been furnished, without awaiting the acquisition of the easements and rights-of-way required for the reservoir area: *And provided further.*

Mr. WALSH. I understand the amendment is acceptable to the Senator from New York, and I am sure the Senator from Mississippi will agree to it, because it is moving in the direction he desires to move.

Mr. BILBO. I ask that the Clerk again read the amendment.

Mr. COPELAND. Mr. President, I should like to say, so that it may appear in the RECORD, that the amendment comes in on page 55, following the word "Provided", at the end of line 14. The conditions now are being recited in order that we may know exactly what the Army Engineers will do. Therefore, the Senator from Massachusetts has offered the amendment.

The PRESIDING OFFICER. The clerk will again state the amendment.

The CHIEF CLERK. In the committee amendment, after the word "Provided", in line 14, page 55, it is proposed to insert:

That the construction of any dam authorized herein may be undertaken without delay when the dam site has been acquired and the assurances prescribed herein have been furnished, without awaiting the acquisition of the easements and rights-of-way required for the reservoir area: *And provided further.*

Mr. COPELAND. Mr. President, it will readily be seen what this means. Perhaps the language in the bill is awkward, and I think the Senator from Mississippi has rendered a service in pointing out the ambiguities of the language. It is expected that the land upon which a dam may be built shall be purchased. There is never any difficulty about that, because the Army Engineers have great latitude. It is not specified that a dam shall be built at a particular and certain location, but is to be built upon the river within reasonable distance from the place specified, which might be 10 or 15 miles away. So the Federal Government is not going to be robbed in the purchase of the land upon which to build the dam, because there will be rivalry of bidding; and can be no monopoly or a holding up of the Government for the purchase of a specific site. The dam site having been provided, the Government can proceed with its work without waiting for the acquisition of the reservoir area back of the dam which is to be the place in which the floodwaters are to be controlled.

Mr. BILBO. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. COPELAND. I yield.

Mr. BILBO. Is it the Senator's understanding under the amendment offered by the Senator from Massachusetts to the committee amendment that the Government will buy the right-of-way upon which to build the dam?

Mr. COPELAND. Oh, no; no more than in the Senator's State, the Federal Government bought the land upon which the levees were built. The people of the State bought the land; they paid for the land; they paid nearly a half a billion dollars in the great lower Mississippi Valley for sites upon which to build levees. It is expected that in my section of the country, the State of New York, the State of Pennsylvania and other Northern States, including the State of Massachusetts and the State of Connecticut, which heretofore have not received Federal money for projects of this character, shall do exactly what our friends of the South have done in the past.

Mr. WALSH. Mr. President, the amendment proposed by me does not in any way deal with the subject matter of the amendment proposed by the Senator from Mississippi. My amendment merely provides for speed of action pending a determination of other questions involving the States.

Mr. COPELAND. It answers the just criticism of the Senator from Mississippi that there might be delay in proceeding with these matters; that it would take a long time to condemn the land or to acquire the land for the reservoirs, and consequently that there would be delay.

Mr. WALSH. I suggest that the amendment be adopted, and then the Senate can proceed with the consideration of the amendment of the Senator from Mississippi. I am sure he will be agreeable to that course.

Mr. COPELAND. Will the Senator from Mississippi withdraw his amendment for a moment in order that the amendment offered by the Senator from Massachusetts may be acted upon?

The PRESIDING OFFICER. The Chair will state that the amendment of the Senator from Massachusetts [Mr. WALSH], being in the nature of a perfecting amendment, takes precedence over the amendment of the Senator from Mississippi [Mr. BILBO] to strike out. The question is on agreeing to the amendment offered by the Senator from Massachusetts to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. COPELAND. Now, Mr. President, that certainly clears the atmosphere. I desire to make clear how liberal the bill is in providing means of going forward with this work.

Section 4 is a blanket provision giving notice in advance that the States may enter into compacts. The States of Connecticut and Massachusetts and New Hampshire and Vermont I think are already proceeding in that direction. They have had informal meetings; they have made arrangements seeking to obtain appropriate action by their respective legislatures. In my State the legislature has already set up



conservancy districts, civil improvement districts, and has made provision for supplying the money for the necessary works in New York State. In short, this bill makes every provision for speedy action.

I confess I should not want to be on the Board of Army Engineers. It would be enough to give any man a headache to have to decide about these allocations, but they say they can do it. The Senator from Mississippi referred to Einstein and Pythagoras and other great mathematicians of the past, but the Army Engineers are willing to assume this responsibility. For myself, I wish to say that there seems to be no end of what they can do and they command my greatest respect.

Mr. President, I beg of the Senate, regardless of what it may do with the Guffey amendment which will come in later, not to adopt the amendment offered by the Senator from Mississippi. If the Senate wants a bill, that amendment must be killed.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. BILBO] to the amendment reported by the committee.

Mr. BILBO. Mr. President, this is an unusual method to resort to in order to defeat a proposed amendment. Instead of resorting to facts and arguments, the proposition is made to the Senate to defeat the amendment because of a veiled threat that the bill will not become a law if it shall be perfected in the interest of the taxpayers and in the interest of the prosecution of this worth-while Nation-wide program.

Of course, the statement by the Senator from New York could mean only one thing, that he anticipates or rather has information in advance, that if the bill shall be amended according to the substitute I have offered for section 3, it will meet with an Executive veto. It could not mean anything else.

I wish to place myself in the right attitude. I hail from Mississippi, which has the reputation of being the strongest and most thorough-going Democratic State in the American Union. That was proved in the campaign of 1928, when out of 82 counties even Al Smith carried 80 of them, with all the charges at his door in that campaign and with all the prejudice resorted to in connection with the issues of that campaign. And, so far as the present occupant of the White House and the present administration are concerned, I repeat that Mississippi is more strongly behind President Roosevelt and his administration than is any other State in the American Union.

In fact, recent surveys conducted by the institute of public opinion of America and all the tests taken show that Mississippi is almost a hundred percent behind President Roosevelt and his administration and the New Deal. In reality he is so strong and his administration is so universally approved that a man would be a fool to undertake to make a campaign in Mississippi with Roosevelt and the New Deal as an issue. It would be like a man going out and running for office and saying, "I am in favor of pure air." He would be a laughingstock. Everybody in Mississippi is for Roosevelt and the New Deal, and for a man to make a race for office in that State upon the ground that he favors the New Deal and President Roosevelt would be an absurdity; it would be foolish on his part. I repeat, he had just as well go out and say, "I am running for office in Mississippi because I believe in pure air to breathe and good water to drink." In those sentiments toward the President and the present administration I fully concur and share, notwithstanding the fact that some of the syndicate writers for some of the newspapers in Washington have attempted to represent me as an antineutral dealer and as anti-Roosevelt. I would hardly dignify such statements by saying that they are lies, because the leader on the floor here knows that since I have been a Member of the Senate my support of the administration has been almost 100 percent, and certainly my convictions as expressed in Mississippi have never shown that I was anything except a follower and an admirer of President Roosevelt and a sympathizer with the New Deal.

I merely make this statement to lay the predicate for what I am going to say about the veiled threat offered by

the Senator from New York [Mr. COPELAND] that if we want a flood-control bill we had better kill the substitute which the Senator from Mississippi has offered to section 3.

I have no information from the White House that the President would veto the flood-control bill, which affects the entire Nation, if the Congress should decide that it is a national responsibility and that the expense of doing these things for all the people of the Nation should be borne by all the people of the Nation. But even if I had heard through rumor that the President would not look with favor upon this amendment, that would not deter me from performing my duty and my responsibility to my people and to the people of the Nation in casting my vote as my judgment and conscience dictate. Then, after the bill had been perfected and presented to the White House, if the President, in the exercise of his judgment and his power, should veto it, we would have time to reconsider it.

As I look into the future, and as I visualize what we are now doing in establishing this policy of local participation in carrying out a program which will eventually cost from \$12,000,000,000 to \$15,000,000,000, I do not know but that I would be willing to say, let us defeat the bill rather than pass it with this provision in it.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. BILBO. I yield.

Mr. WALSH. The Senator has given a great deal of study to this subject. I should like to inquire if, after looking into the question, he has determined what local contributions, if any, have been made in the past when we enacted legislation toward the construction of projects for flood control.

Mr. BILBO. I think I am prepared to say that the little flood legislation we have enacted has contained no requirement that local communities should contribute.

Mr. WALSH. We had a dispute about that on the floor of the Senate a few days ago, and I believe the Senator from Louisiana [Mr. OVERTON] made claim to the contrary.

Mr. BILBO. There may have been some small contribution.

Mr. WALSH. The Senator from Arkansas [Mr. ROBINSON] would know what has been the practice in the past.

Mr. ROBINSON. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. I yield.

Mr. ROBINSON. As to all the flood-control works which have been constructed on the Mississippi River with which I am familiar, local contribution has been required. At first the entire cost of levees was imposed on the localities.

Mr. BILBO. To what extent?

Mr. ROBINSON. Later the rule was one-third of the cost to be paid by the local interests. Subsequently the system seemed to be changed to that which is carried in the bill as it passed the House, in section 2, where it was required, as in the bill reported by the Senate committee, that the local interests should pay the cost of the rights-of-way, the cost of the lands necessary for the location of the works, and also the damages.

As to the works contemplated by the Overton Act, there was a recognition of the fact that there had been contributed a very large amount, many millions of dollars—more than \$250,000,000—by the local interests as a justification for not requiring further contributions. In some of the territory, as I believe the Senator from Mississippi will recall, the costs of levee construction on the main stem of the Mississippi had been so great as to be almost confiscatory of the lands within the levee district. The aggregate contributions have been in a very large amount.

Mr. OVERTON. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. Certainly.

Mr. OVERTON. I may add to what the Senator from Arkansas has said that the only flood-control legislation enacted by Congress has provided for local contribution. As the Senator from Arkansas pointed out, originally the States



and local subdivisions contributed one-third of the entire cost.

Mr. WALSH. That is, the cost of the land and for construction of the dam?

Mr. OVERTON. That is for the entire cost. There is still a requirement in respect to the tributaries on the lower Mississippi River, on projects outside the so-called Jadwin plan, that there shall be a local contribution of one-third of the entire cost. The Flood Control Act of May 15, 1928, which adopted the Jadwin plan and which relates to the lower Mississippi Valley, required the States and local subdivisions, at their own cost, to contribute all rights-of-way for the construction of levees on the main stem of the Mississippi River, and after the levees have been constructed it required the States and local subdivisions to bear the cost of the maintenance thereof.

Mr. WALSH. That is the present law, is it not?

Mr. OVERTON. Yes; that is the present law. The Overton flood-control bill which was passed by the Senate and which is now being considered by the House contains the local-contribution provisions embraced in the 1928 act. We still have to provide rights-of-way for the levees along the main stem of the Mississippi River and we still have to maintain the levees after construction.

Going a little further into detail, it was declared by Congress in the act of 1928 that the principle of local contribution was sound. That was the last expression of congressional will and purpose upon the subject. Then it was said by the Congress of the United States that, in view of the fact that the States in the lower Mississippi Valley and their subdivisions had contributed \$292,000,000 toward the construction of levees, no further local contribution would be required from them; but the act did require, in spite of that declaration, that the local interests should furnish the rights-of-way, as I have stated, and should maintain the levees.

Mr. WALSH. What does the \$292,000,000 represent?

Mr. OVERTON. That represents the total sum which has been expended by the States of the lower Mississippi Valley and their local subdivisions for flood control and flood protection.

Mr. ROBINSON. That would include rights-of-way, easements, and construction work?

Mr. OVERTON. Yes.

Mr. WALSH. What period of years did that cover?

Mr. OVERTON. From the inception of man's battle against floods in the lower Mississippi Valley. Since the enactment of the act of 1928, which declared that no further local contribution should be required in the lower Mississippi Valley by reason of future requirements for local contributions, the States of Mississippi, Arkansas, and Louisiana, according to the records furnished by the Missouri Valley Commission, have contributed \$41,000,000 plus toward flood control in the lower Mississippi Valley.

Mr. BILBO. Mr. President, I am not concerned about the views of anyone else; neither am I concerned about the fate of this bill in its immediate passage when I am conscious of my own duties and responsibilities, and when I visualize what we are starting when the bill becomes a law.

As I have said heretofore, the final solution of the flood problem of the Mississippi River, which affects my State vitally, perhaps as much as any State in the lower Mississippi Valley, will require the construction of 1,600 to 1,800 reservoirs in the vast territory extending from the Appalachian system on the east to the Rocky Mountains on the west. The enactment of the section which I am opposing I know means 1,600 to 1,800 assessments against my people this year, next year, and throughout the entire period of the prosecution of this program. I care not what record others may make; I shall make my own record. I have a strong suspicion that when the chairman of our committee stands here and holds the big stick over the head of the Senate and says, "If you want a bill, you had better kill this amendment", I have a very slim chance of securing its adoption. In other words, the fear of Executive wrath is such that there will be no trouble in killing my amendment.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BILBO. Yes; I yield.

Mr. COPELAND. I do not think I have ever been charged with the fear of Executive wrath. This is one time when, with all good conscience, I can say that if a veto should come I should be for it 100 percent, because the measure would be un-American and contrary to all the traditions and policies of the past.

Mr. BILBO. I appreciate the boldness of the Senator from New York in always asserting his convictions, regardless of what others may think or do; but it just so happens in this case that the anticipated Executive opposition synchronizes with the views of the Senator from New York.

Mr. COPELAND. That is true.

Mr. BILBO. Of course, it is no trouble for the Senator to be brave on this occasion.

Mr. COPELAND. Mr. President, if the Senator will yield, such occasions are so rare that I am sure the Senator does not feel badly that there is one occasion when I can be brave in that particular direction.

Mr. BILBO. I rejoice with the Senator from New York that he has at last found one occasion on which he can harmonize with the Executive. The point is that I am not willing, for a present, immediate relief on this or that subject, to write into the bill in haste, and, in order to be agreeable, consent to a policy which I know will mean so much in the years to come to my people and to the people of the Nation. I have performed my duty, my responsibility to my people, as best I know how.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BILBO. Yes.

Mr. CLARK. Has anyone any assurance about this bill being signed, even when it is loaded down with the section which the Senator from Mississippi is seeking to strike out, and with the provision allowing the President to look through the bill and pick out particular projects which he may particularly favor, and even when it is additionally loaded down with the creation of a new commission, which I understand will be the fortieth since March 4, 1933?

Mr. BILBO. As Senators know, there is an old saying that "only fools and dead people do not change their minds"; but I have a suspicion that with the amendments which have been put on the bill, the rumor referred to by my friend, the chairman of the committee, is erroneous, and that the good judgment and patriotism of the Executive will prevail, and that even if the amendment I am advocating shall be put in the bill, it will become a law if it shall make its way through the House.

Mr. CLARK. The Senator means to say, then, that so-called "pork" may take on a better odor when salted down with a new commission? [Laughter.]

Mr. VANDENBERG. Mr. President, of course I have no knowledge as to whether or not the President would veto this bill if it should be loaded down with the Bilbo amendment; but I have a very profound conviction that if the amendment were added to the bill, and the President should veto it, he would be doing exactly what he ought to do.

Mr. President, this is another of those situations such as we confronted yesterday afternoon, when the Senate, with complete good sense, decided not to set a dangerous precedent in respect to the limitless nature of the new flood-control responsibility which the Federal Government has now accepted. This question cannot be settled safely on the basis of what will happen to the State of Mississippi in respect to some one particular flood situation. This question must be settled in respect to what will happen to the United States of America and all its taxpayers, not only under the pending flood bill but under all the subsequent flood bills which are going to flood Congress itself when once this policy is established.

Let it not be overlooked that this is the first time in 150 years of American history when it has been proposed to assert that floods upon practically all the rivers of the United States constitute a menace to national welfare and are a Federal responsibility. The moment we have accepted



that responsibility, we have accepted it not only for the flood waters concerning which the Senator from Mississippi speaks, but we have accepted it for every navigable stream and every tributary of every navigable stream in 48 States of the Union; and the human imagination can hardly encompass the total extent of the burden and responsibility which is thus laid at the door of the Treasury of the United States by the adoption of this policy.

I am not quarreling with the adoption of the policy. I am prepared to vote for the bill on a basis of reasonable prudence; but I assert that this almost boundless responsibility must have some small element of an automatic check upon it, and the only automatic check in the world that can be applied is the check provided by a small degree of local responsibility and local cooperation, through the medium of local contribution. If we eliminate all local cooperation from this contemplation, we open a Nation-wide racket. There is not any doubt about it. That will be the net result. There are hundreds and hundreds of perfectly legitimate flood-control projects, just as there are hundreds and hundreds of legitimate river and harbor projects; and then there are thousands of illegitimate river and harbor projects, and there will be thousands of illegitimate flood-control projects. Except as we tie down this new responsibility to some sort of local contribution, we may talk about floods, but we have turned loose upon the taxpayers of this Nation a deluge which they simply cannot swim out from under.

The Senator from Mississippi says, "Why, this bill will involve 1,800 assessments on my State of Mississippi, and I do not propose to stand for it." Well, Mr. President, it will involve the same 1,800 assessments on my State of Michigan without its being in the line of the flood waters at all. The Senator from Mississippi complains against a local contribution in respect to an improvement which has a national aspect. I am perfectly willing to accept my share of the national burden which is asserted under this section; but if, in addition to that, the Senator from Mississippi, coming from an area which has an immediate and intimate advantage to be gained from the bill, is to assert that he cannot confront 1,800 assessments in respect to it on account of direct local advantage, then I do not see how he can expect 47 other States in the Union to accept their share of the other portion of this assessment, when they are not in the line of danger at all.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from Mississippi.

Mr. BILBO. The Senator said the State of Michigan would get no benefit from the proposed legislation.

Mr. VANDENBERG. I did not say that. I said we were not in the direct line of danger. There is a benefit to every section of the Nation when the flood problem is met, I freely concede, and conceding it, although I am from a State which is blessed, apparently, by suffering from none of these major flood disasters, I am perfectly willing to have my State pay its full share of the heavy Federal contribution which the pending bill would require. But I am not willing to assume, in addition, the expense of local contribution which legitimately belongs with those directly benefited.

Mr. BILBO. I was just about to suggest to the Senator that we will continue to buy furniture, automobiles, and other things from his State, so his State will be able to pay its share of the expense of putting this flood control over.

Mr. VANDENBERG. Certainly; we are a national unit so far as the ultimate problems of the Nation are concerned, but in respect to the fundamental need to put some sort of a check upon legislation of this character, it seems to me that it is perfectly obvious, if we leave it 100 percent a burden upon the Federal Government, that we will open the door to the same old racket which was the bane of our existence in respect to river and harbor legislation until we established the new order of procedure.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BILBO. Let me ask the Senator this question. Is it the fixed policy of the Congress and of the Government, and has it been for a long time, to approve no project unless it receives the O. K. of the Board of Army Engineers?

Mr. VANDENBERG. Yes.

Mr. BILBO. Does not the Senator consider the Board of Army Engineers, composed of men of such type and such training, most of them being graduates of West Point, trained for the Army, in a patriotic service, would be an ample safeguard and protection on behalf of the taxpayers against all this bugaboo of "pork barrel" legislation, about which the Senator is speaking?

Mr. VANDENBERG. I do not.

Mr. BILBO. If no project can be undertaken unless the Board of Army Engineers approves it, then the Senator would intimate that the Board of Army Engineers would become a party to the "pork barrel" legislation.

Mr. VANDENBERG. Mr. President, the Board of Army Engineers is at the mercy of the situation they confront when once there is established a new policy which accepts for the Federal Government the responsibility for flood conditions upon all these rivers. I am asserting that the Engineers can find flood situations which need to be met, yet which are essentially local in their complete jurisdiction, which, so far as the Engineers are concerned, they are perfectly powerless to exclude if we have accepted this Nation-wide responsibility.

It is not the Board of Engineers upon whom we can rely to foreshorten this responsibility. The only reliance I know of is that same automatic rule which has worked heretofore in respect to flood control, which is working in respect to river and harbor development—the rule of local contribution, the rule which still asserts that there is a home responsibility under this Government, and that the Federal Treasury is not the ultimate catch-all for all the aspirations and all the appetites of all the people of the land.

I submit that as an elementary protection of the public credit, at a time when the public credit magically needs protection, under this new declaration of policy we had better not open completely, without restraint, the flood-control prospectus accepted by the Federal Government to the whole \$15,000,000,000 of projects which will come tumbling in upon us if we do not provide self-restraint of the character reported and recommended by the committee. The pending amendment should be defeated as a matter of elementary fiscal prudence in this hour of terrific fiscal hazard.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. BILBO] to the amendment of the committee.

Mr. BILBO. I should like to have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McNARY (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. HARRISON], who is necessarily absent. I transfer that pair to the junior Senator from New York [Mr. WAGNER] and vote "nay." I am advised that if present the Senator from Mississippi [Mr. HARRISON] would vote "yea", and the Senator from New York [Mr. WAGNER] would vote "nay."

The roll call was concluded.

Mr. AUSTIN. I desire to announce that the Senator from Delaware [Mr. TOWNSEND] has a general pair with the Senator from Tennessee [Mr. McKELLAR], and that the Senator from North Dakota [Mr. NYE] has a general pair with the Senator from Maryland [Mr. RADCLIFFE].

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], and the Senator from Nevada [Mr. McCARRAN] are detained from the Senate on account of illness.

The Senator from North Carolina [Mr. REYNOLDS] is detained on account of a death in his family.

The Senator from Washington [Mr. BONE], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Nevada [Mr. PITTMAN], the Senator from Virginia [Mr. GLASS],



the Senator from Mississippi [Mr. HARRISON], and the Senator from Montana [Mr. WHEELER] are detained in important committee meetings.

The Senator from Oklahoma [Mr. GORE], the Senator from Illinois [Mr. LEWIS], the Senator from Tennessee [Mr. McKELLAR], the Senator from New Jersey [Mr. MOORE], the Senators from Maryland [Mr. TYDINGS and Mr. RADCLIFFE], the Senator from Utah [Mr. THOMAS], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

Mr. BILBO. I have a general pair with the Senator from Iowa [Mr. DICKINSON]. I transfer that pair to the Senator from Utah [Mr. THOMAS] and vote yea. I am not advised how the Senator from Iowa or the Senator from Utah would vote if present.

The result was announced—yeas 15, nays 55, as follows:

YEAS—15			
Bachman	Caraway	Guffey	McGill
Barkley	Clark	Holt	Neely
Bilbo	Davis	Logan	Truman
Black	Frazier	McAdoo	
NAYS—55			
Adams	Carey	Hatch	Pope
Ashurst	Chavez	Hayden	Robinson
Austin	Connally	Johnson	Russell
Bailey	Copeland	Keyes	Schwellenbach
Barbour	Couzens	King	Sheppard
Benson	Dieterich	La Follette	Shipstead
Borah	Donahay	Loneragan	Smith
Brown	Duffy	Long	Steiwer
Bulkley	Fletcher	McNary	Thomas, Okla.
Bulow	George	Maloney	Vandenberg
Burke	Gerry	Metcalf	Van Nuys
Byrd	Gibson	Minton	Walsh
Byrnes	Hale	O'Mahoney	White
Capper	Hastings	Overton	
NOT VOTING—25			
Bankhead	Harrison	Norbeck	Townsend
Bone	Lewis	Norris	Tydings
Coolidge	McCarran	Nye	Wagner
Costigan	McKellar	Pittman	Wheeler
Dickinson	Moore	Radcliffe	
Glass	Murphy	Reynolds	
Gore	Murray	Thomas, Utah	

So Mr. BILBO's amendment to the amendment of the committee was rejected.

WILLIAM W. DANENHOWER

The PRESIDING OFFICER (Mr. POPE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 925) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower, which were, on page 1, line 4, after the word "to", to insert "Sallie M. Danenhower, executrix of the estate of"; on the same page, line 6, after the figures "\$34,260", to insert "in full settlement of all claims against the United States"; and on the same page, line 7, to strike out "his" and insert "said William W. Danenhower's."

Mr. CAPPER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

TERESA DE PREVOST

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1360) for the relief of Teresa de Prevost, which were, on page 1, line 5, after the word "to", to insert "the estate of"; and to amend the title so as to read: "An act for the relief of the estate of Teresa de Prevost."

Mr. SHIPSTEAD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NATIONAL FLOOD CONTROL

The Senate resumed consideration of the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Mr. DUFFY. Mr. President, I send to the desk an amendment to the survey section, and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 112, after line 7, it is proposed to insert "Fond du Lac River and tributaries, Wisconsin."

Mr. DUFFY. In that connection, and as a part of my remarks, I ask unanimous consent to have printed in the RECORD at this point a paragraph from the Oshkosh Northwestern, issue of May 16, 1936, showing the amount of loss due to floods which have been caused in the river.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oshkosh (Wis.) Northwestern of May 16, 1936]

That a flood-control plan is needed at the lower end of the lake as well as in the Wolf River Valley is clearly shown by figures on damages done at Fond du Lac by floods in only 4 years, it was said. Figures given stated that in 1905 floods did \$200,000 worth of damage in Fond du Lac; in 1912 the amount was \$100,000; in 1915 it was \$150,000; and in 1924 it was \$250,000 a total of \$700,000 in 4 years.

Mr. COPELAND. Mr. President, we have no objection to the amendment proposed by the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. COPELAND. Mr. President, I am chairman of the committee in charge of the bill, and I also desire to continue as a Senator from my State; so I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 108, after line 25, it is proposed to insert:

Black and Moose Rivers, N. Y.

Mr. COPELAND. Mr. President, we have no objection to that amendment. [Laughter.]

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. AUSTIN. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 59, line 16, after the word "session" and before the semicolon, it is proposed to insert "as the same may be revised upon further investigation of the 1936 flood."

Mr. AUSTIN. The Senator from New York was good enough to submit the proposed amendment to the Army Engineers, and there is no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. AUSTIN. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an extract from the testimony of Walter S. Fenton, representing the State of Vermont, before the House Judiciary Committee, appearing on page 6724 of the CONGRESSIONAL RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The studies that have been made so far on this subject, as I view it, are wholly inadequate upon which to base any efficient, effective plan of flood control. I have heard it stated this morning by some distinguished Members of Congress that we should at once build these 10 storage reservoirs that have been recommended in the Army report so that we can prevent a repetition of the same flood condition next year. While I do not know just how much investigation the gentlemen have made into the construction work of the magnitude, I would hardly expect, even if the lands were to be controlled and owned in such a way that construction work could begin tomorrow, that they could be in a condition to retain any flood waters by next spring floods.

The difficulty with that proposition, as I understand it, is that the program which proposes the construction of the 10 reservoirs in question is based primarily upon studies of the 1927 flood to which I referred. The flood of 1936 which caused this great damage in Massachusetts and Connecticut was a flood of an entirely different character. To illustrate what I mean by that, this program for the construction of these reservoirs contemplates the construction of three reservoirs on the White River in Vermont. The flow of water in the White River in 1936 was only approximately one-third of the flow of water in 1927. The result was that the stream flow in the Connecticut River at White River Junction, below the discharge of the White River, was 11 second-feet per square mile less, and the drainage area above that point is approximately 4,000 square miles, which makes a stream of 44,000 second-feet lower in the Connecticut River below White River Junction in 1936 than it was in 1927.



What that means is that the water which caused the damage in the States lower down the river did not come in such substantial quantities from Vermont. On the other hand, the discharge in the New Hampshire rivers, below the so-called Ammonoosuc River was very much greater than it was in 1927. I have just been interested in looking at a graph which presents by means of engineering methods the density of the rainfall. I think they term it an isohyetal diagram, which shows that the entire rainfall in Vermont for the month of March was approximately equal to that of 1 day at Pinghams Notch in the White Mountains over in New Hampshire, where they had something like 23 inches of rainfall in the month of March, and something over 10 inches of rainfall in 2 days.

As I say, there was a greater discharge into the Connecticut River, and particularly into the Merrimack, from that source.

Why? Because that is where they have the greatest rainfall, which, coupled with the melting snow, produced this extraordinary volume of water. Having in mind the stream flow in the Connecticut River at White River Junction was 44,000 second-feet less in March of this year, at the time of the peak of the flood at Vernon Dam, which is a little north of the Massachusetts-Vermont State line, the crest of the flood was 5 feet higher than it was in 1927.

Above Vernon Dam comes in the West River, coming in from Vermont, which is quite a substantial stream. Yet the stream flow in that river was 28 second-feet per square mile less in 1936 than it was in 1927.

Above that we have the Saxtons River just below Bellows Falls, which is not a very large stream. I cannot give you the figures on it, nor on the Williams River just above it.

Above that we have the Black River. The point I want to make with you is this: That you cannot plan upon a program resulting from a study of the Engineers of the 1927 flood to take care of the type of flood that we had in 1936. And it is a matter of a good deal of doubt in my mind from various information that has been given to me whether the construction of these reservoirs would have had any material effect upon the disastrous results down in Massachusetts and Connecticut. I think the sponsor of this bill made substantially the same statement this morning. In that I agree with him fully.

Mr. AUSTIN. I also ask unanimous consent to have inserted in the RECORD at this point the telegram which I send to the desk.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., May 21, 1936.

HON. WARREN AUSTIN,  
United States Senate:

All members of Governors' flood-control committee strongly in favor of amendment to bill to permit reexamination of Connecticut River project in the light of this year's flood. All but one oppose bill if amendment is not included. Hope you will make every effort to amend.

R. E. FLANDERS.

Mr. GUFFEY. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 55, line 10, after the word "project", it is proposed to insert:

Exclusive of construction costs of railroad and highway relocations, and.

Mr. COPELAND. Mr. President, will the Senator yield to me for a moment?

Mr. GUFFEY. I yield.

Mr. COPELAND. Would the Senator be willing to have his amendment read "exclusive of construction costs of railroads and relocations of improved highways?"

Mr. GUFFEY. I will accept the modification of the amendment.

Mr. KING. Mr. President, I should like to have an explanation of the amendment. If I understand the amendment, it imposes upon the Federal Government the obligation to take care of the railroads and highways in the event of floods or damages to them, and the States and the railroads are exempt from making any contribution.

Mr. GUFFEY. I am asking only what has been the custom and the practice heretofore. In the Overton bill which was enacted last week such a provision was included. The Senator was present, and voted for that bill; did he not?

Mr. KING. I was here, and I voted against it.

Mr. GUFFEY. The bill was passed.

Mr. KING. Yes; the bill was passed.

Mr. GUFFEY. The Overton bill contained an item covering \$31,500,000 for building new railroads wherever necessary.

Mr. ROBINSON. Mr. President, as I understand the amendment, it does not propose to pay damages for injuries to property in case of flood.

Mr. GUFFEY. That is correct.

Mr. ROBINSON. What is proposed is that if it shall become necessary, in constructing works under this bill, to relocate improved highways or relocate railroads, the expense of the relocation incident to the construction of the flood-control work shall be borne by the Federal Government rather than by the localities.

Mr. GUFFEY. That is correct.

Mr. COPELAND. Mr. President, I ask that the clerk read the amendment as modified.

The CHIEF CLERK. As modified, the amendment to the committee amendment reads as follows:

Exclusive of construction costs of railroads and relocations of improved highways.

Mr. BARKLEY. Mr. President, I wish to make it clear that the provision merely relieves the local community of the obligation of contributing to the relocating of highways or railroads, but does not relieve either railroads or the communities from any obligations imposed upon them under the bill as a whole.

Mr. COPELAND. That is correct.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McNARY. I wish to ask the Senator from Pennsylvania, who proposed the amendment, if the word "highways" might be considered to include bridges.

Mr. GUFFEY. That is a matter for interpretation by the Army Engineers. So far as I am concerned, I should include bridges. I have no objection to including bridges.

Mr. McNARY. I think the language should not be uncertain. If a railway is to be relocated at Federal expense, why should not the same treatment be afforded to a bridge which spans a river?

Mr. GUFFEY. I agree with the Senator from Oregon that it should.

Mr. McNARY. A highway bridge is a link in the highway; but, to make sure, I suggest that the Senator include in his amendment, after the word "highways", the words "and bridges."

The PRESIDING OFFICER. Does the Senator from Pennsylvania desire to modify his amendment?

Mr. GUFFEY. I agreed to the modification of the amendment as proposed by the chairman of the committee.

Mr. BARKLEY. The amendment would not be construed to include a privately owned toll bridge operated by a private concern, would it?

Mr. COPELAND. Mr. President, we have no advice as to how far the amendment would go and what it would mean if we were to include "and bridges."

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. COPELAND. I yield.

Mr. CONNALLY. The Congress is providing the legislation. We should not be obliged to ask anyone else what it means. Congress is doing this. What Congress is doing ought to be made so clear that the Engineers may know what we are talking about.

Mr. COPELAND. I wish to say a word, if I may. Has the Senator from Oregon finished?

Mr. McNARY. I shall be very glad to yield.

Mr. COPELAND. I desire the Senate to be advised as to the significance of this amendment. The Senator from Mississippi [Mr. BILBO] at great length and eloquently and ably argued in opposition to the provision requiring costs to be assessed against localities. The whole amount involved as to localities is a little over \$100,000,000. The Senator from Mississippi was trying to relieve localities of \$100,000,000. I do not wish to have the Senate misled as to the significance of the amendment offered by the Senator from Pennsylvania. I cannot say that at the moment I am in violent opposition to it, but the Senate must be advised what it means. The provision will occasion a cost of \$50,000,000. The relocation



of the railroads and the highways will place an additional burden upon the Federal Government of the entire amount that we are appropriating this year—\$50,000,000. It will be \$14,000,000 for highway relocation and \$36,000,000 for railroad relocation.

Mr. WHEELER. Mr. President, does the Senator mean that the Government of the United States is going to spend \$36,000,000 for the purpose of relocating some railroads?

Mr. JOHNSON. Mr. President, will the Senator speak louder?

Mr. WHEELER. I was asking the Senator if the amount which we are going to spend, \$36,000,000 of the Government's money, is for the purpose of relocating some railroads.

Mr. JOHNSON. Let me suggest, if we are going to pay Government money for relocating railroads, why not pay the Government money to relocate all the homes that may be washed away, injured, or damaged, and the like?

Mr. WHEELER. Of course, we should; and there is much more reason why we should pay Government money to relocate some poor devil who has a little home washed away than to relocate a railroad. To me it is inconceivable that the Government of the United States should pay out money for the purpose of relocating a railroad to save it from flood or any other purpose.

Mr. JOHNSON. That is why I asked the question.

Mr. WALSH. Mr. President, permit me to explain the purpose of the amendment.

When a basin or structure is built to prevent floods, and that work involves relocating a railroad which runs through the basin, the Government should pay for relocating the railroad. A basin through which a railroad runs cannot be constructed without paying damages. The railroad is not being relocated for the pleasure of moving it somewhere else. When the Government takes my home for any purpose, such as to build a basin for flood control or a reservoir, the Government must pay for that.

I am sure neither the Senator from California nor the Senator from Montana had in mind that under such circumstances the cost of relocating the railroad should not be borne by the Government. The Government must pay for relocating a railroad when it is necessary to do so in order to construct a reservoir.

Mr. VANDENBERG. And in order to save the railroad.

Mr. COPELAND. I assume that the railroad, if it had just cause to complain, would have recourse to the courts. The Senator from Massachusetts is an able lawyer and knows more about that subject than I do.

Mr. WALSH. I know that we cannot take a railroad or a man's home or any other property and confiscate it without paying damages. Instead of paying damages, it is proposed to relocate the road outside of the reservoir area.

Mr. CONNALLY. Mr. President, there is a little clause in the Constitution about taking private property for public use without compensation.

Mr. VANDENBERG. Nobody has contended for that.

Mr. WALSH. I do not understand the purpose of this amendment, and I should like to ask the Senator from Pennsylvania if its purpose is to provide that payment shall be made for the relocation of a highway when the highway is in the way of the basin of a flood-control project, and to provide that payment shall be made for the relocation of a railroad when the railroad is in the way of the construction of a flood-control project.

Mr. GUFFEY. That is a correct interpretation. Of the two railroads involved in Pennsylvania, one was built in 1855 and the other was built in 1874. Those railroads, having maintained their rights-of-way during all that time in their present location, if the Government builds a dam which will necessitate a change in the location of the railroad, I can see no reason why the Federal Government, and not the community, should not bear the cost.

Mr. WALSH. Under the amendment, the Government would have to pay for destroying the railroad or for any property taken.

Mr. BARKLEY. Mr. President, the amendment does not involve the question of paying for property. It simply re-

lieves the local community of the provision of the bill which makes it necessary for the local community to bear the expense of the removal or relocation of highways or railroads. It does not, in any way, invalidate the provisions of the Constitution or any law making it obligatory to pay for property taken.

Mr. WALSH. I understand that to be the position, but objection has been made that neither the Federal Government nor any other government should pay such costs.

Mr. BARKLEY. This amendment as between the Federal Government and the local government would make it necessary for the Federal Government instead of the local government to do it.

Mr. WALSH. In other words, unless this amendment shall be adopted it might be necessary for the local governments to pay. Somebody has got to pay.

Mr. BARKLEY. That is correct.

Mr. WALSH. And the Senator from Pennsylvania is seeking to have the Federal Government pay the costs.

Mr. BARKLEY. That is correct.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. MALONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Connecticut?

Mr. COPELAND. I yield.

Mr. MALONEY. I should like to ask the Senator from Pennsylvania if the two railroads in his State to which he just made reference are located in the recent flood area?

Mr. GUFFEY. They are.

Mr. MALONEY. Then I assume that they paid for the flood damage, which involved a replacement of their roadbeds and tracks.

Mr. GUFFEY. One road was not damaged at all, and the other road was damaged very slightly.

Mr. MALONEY. But the railroad itself paid the cost?

Mr. GUFFEY. Yes; for what little damage there was; but the damage was very slight.

Mr. MALONEY. I cannot see why the Government should be any more responsible for replacements or relocations in connection with projects under the pending bill than in the case of damages to the railroads caused by the recent floods.

Mr. WHEELER. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I yield the floor for the moment.

Mr. WHEELER. Mr. President, let me call attention to the language of the bill, and that will probably straighten the matter out. Section 3, on page 55, reads, in part, as follows:

SEC. 3. That hereafter no money appropriated under authority of this act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project.

And then this amendment is proposed to be inserted:

Exclusive of construction costs of railroads and relocations of improved highways.

Why should we make exception in the case of the railroads? If we are going to make the local and State governments bear the burden of paying for land, easements, and rights-of-way, why should we make the Government pay for the relocation of the railroads? After all, the railroad itself is going to receive a great benefit, in most instances, by reason of the fact that the Government is spending this money, as its expenditure will protect the roadbed and tracks from being flooded.

In addition to that, by reason of the fact that the Government is spending this money, the railroads are going to get a great benefit because they are going to receive greater tonnage, due to the shipment of commodities paid for by the Government. If the local governments and State governments are going to be required to pay for the easements and



other things, I do not know of any reason why the railroads should not contribute their share to the local and State governments.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. GUFFEY. I should like to state that the Government has expended \$652,000,000 for building locks and dams and the canalization of our rivers; in every instance where a railroad was involved the Government paid for moving and rebuilding the line, and there has not been \$5,000,000 contributed from any other source than the Government.

In the pending bill as now drawn \$55,000,000 are appropriated ostensibly for the flood areas on the upper Ohio River. For the 9 or 10 dams in western Pennsylvania, of the amount under the bill as drawn, the people of the State will be compelled to pay \$34,000,000. The people of Pennsylvania have no objection to making a fair contribution, but they do object to paying more than 60 percent. This amendment is only offered to reduce the contribution as provided in the bill.

The bill implies also that the other States that benefit by the dams shall contribute. Eleven States will benefit by the construction of these dams. They will lower the water at Pittsburgh at flood level 7 feet, at Wheeling, W. Va., 5 feet, at Cincinnati 4 feet, and so on down the river. Does the Senator think that Kentucky or West Virginia or Ohio will contribute anything to the local cost in Pennsylvania? Unless we can work out a proper and equitable plan not a single reservoir or flood-control dam will be built. The people of Pennsylvania are willing to pay from 25 to 30 percent, but we think it is unjust to contribute 60 percent. There is going to be expended \$31,000,000 for building a railroad along the floodway down the Mississippi Valley.

Mr. WHEELER. It seems to me that that does not answer the question at all, because, after all, the railroads are going to receive the benefit of the money that is to be expended by the Government of the United States, which will result in safeguarding the property of the railroads. If it be true that they are going to receive a benefit as the result of the building of the dams which will prevent the railroad properties from being flooded, why should not the railroads themselves, in conjunction with the local governments, contribute to their building?

Mr. GUFFEY. Take the dam to be constructed on the Conemaugh River, for which \$9,000,000 is to be expended, five and a half million dollars of which will be necessary to change the grade and to relocate the railroad. The change will give the Pennsylvania Railroad a much worse grade and a stiffer grade than it now has and will increase the cost of the road.

Mr. BARKLEY. Mr. President, the proposal does not involve merely relocating a railroad for the protection of the railroad; it involves the possibility of having to relocate railroads for the protection of the community.

Mr. GUFFEY. That is correct.

Mr. WHEELER. I understand that it not only involves the local community, but it involves the railroads.

Mr. BARKLEY. It might, incidentally; but the main thing is to protect the community.

Mr. WHEELER. It not only protects the community, but anyone who has gone through the flood areas knows likewise that the building of dams is going to protect the railroads to a great extent, because the railroads suffer from the floods; they have to rebuild their roadbeds, and so forth, all along the line. That is true of the B. & O. and the Pennsylvania. If we are going to build dams for the purpose of protecting the railroads from being flooded, then the railroads ought to be willing to contribute for the relocation of their rights-of-way to that extent, it seems to me.

Now, it is proposed to make an exception in the case of the railroads; if the Government is going to pay all costs, let the Government do it; but if not, do not let the railroads be exempted.

Mr. GUFFEY. What advantage will it be to a railroad whose tracks extend the full length of the reservoir back of the dam which is proposed in northern Pennsylvania and

which will cross into the State of New York, spreading over a distance of 50 miles, when the entire railroad will be covered with water to a depth of 200 feet? In what way is it to their advantage to have their present location covered by 200 feet of water for a distance of 50 miles? Where do they get any benefit?

Mr. WHEELER. I do not know about that particular instance, but I do know that there are many instances where the Pennsylvania Railroad is going to be benefited if the Government builds dams which will keep their roadbed from being flooded and washed away. Is there any question about that at all? The Pennsylvania Railroad suffered during the last flood tremendously, and so did the B. & O. all through Pennsylvania and Maryland and other States. If it should be necessary for the purposes contemplated to relocate their tracks, they ought to contribute to the cost and not let the Government of the United States do it all.

Mr. MINTON. Mr. President, if the bill shall remain as it is or is amended as proposed, and the railroads are going to be paid if their property shall be taken, it seems to me the effect of this amendment would be simply to shift the cost to the Federal Government from the State governments. I think that would be the only effect of the amendment.

Mr. WHEELER. No; that is not entirely correct. This is not simply shifting the payment from the local government to the Federal Government. The provision of the bill is:

That hereafter no money appropriated under authority of this act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project.

If the local government or the State government is in favor of building a particular project, and the railroads are sufficiently interested in building up the community to save it from flood, they are going to contribute their portion to the local government or to the State government. If we incorporate any provision to the effect that the United States Government will pay for it, we know from experience that in every instance where a dam is built the railroads are going to insist that the Government pay for the relocation of their tracks.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WHEELER. I yield.

Mr. BARKLEY. I do not know, of course, what the situation is with respect to the Pennsylvania Railroad or any other railroad in any particular community, but, under the language as written in the bill originally, if any cost is involved in obtaining the right-of-way, although it be the right-of-way of a railroad or property owned by a railroad, at each point where the Government might desire to erect a flood-control project the local community would have to bear the entire cost of obtaining the land or the right-of-way if it happened to be land upon which there was a railroad track.

The amendment offered by the Senator from Pennsylvania does not change the situation with respect to compensating the railroad for any benefit it may receive, but simply provides that in a case of that sort, where it is necessary to buy a railroad track in order to build a project to control floods, the Federal Government rather than the local community shall bear the cost. It simply shifts the burden from the town or locality to the Federal Government.

Mr. BONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Washington?

Mr. WHEELER. I yield.

Mr. BONE. Is it not obvious to all of us that if, in the construction of a flood-control project, it should become necessary to acquire a railroad right-of-way occupied by railroad tracks or other railroad properties, even the local government would have to pay for the land?



Mr. WHEELER. They would either have to pay for it or come to an agreement with the railroad. They would have to get it by condemnation proceedings or otherwise.

Mr. BONE. It is true that under every State constitution private property cannot be acquired without just compensation. The State would have to pay for it. The effect of the amendment is to shift the cost from the local government to the Federal Government in cases where it requires railroad property or takes over an improved highway.

Mr. COPELAND. Mr. President, I think it would be helpful at this point to have the clerk read a letter from the War Department relating to this particular amendment. I send the letter to the desk and ask that it may be read.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, May 18, 1936.

HON. ROYAL S. COPELAND,  
Chairman, Committee on Commerce,  
United States Senate, Washington, D. C.

DEAR SENATOR COPELAND: I am in receipt of your request for information with respect to the effect of the amendment to the flood-control bill, H. R. 8455, proposed by Senator GUFFEY, which would insert on page 55, in line 10, following the word "project", the following:

"Exclusive of construction costs of railroad and highway relocations, and."

The authorization of \$310,000,000 as contained in the general flood-control legislation reported to the United States Senate by the Committee on Commerce, would require an estimated expenditure of \$80,000,000 by local interests for furnishing the necessary lands, rights-of-way, and easements to include railroad and highway relocations. Approximately \$36,000,000 of this amount would be required for railway relocations and \$14,000,000 for highway relocations. The information immediately available does not permit a separation between construction costs and new right-of-way for the relocations involved. However, of the total \$50,000,000 required for railway and highway relocations, approximately \$40,000,000 would be for construction costs.

In general, in the flood-control projects that have been undertaken by the Federal Government on a cooperative basis, all costs in connection with highway relocations have been borne by the benefited interests. In railway relocations construction costs have been borne by the Federal Government in the case of the Muskingum project, and are to be borne by the Government in the proposed floodways under the Mississippi River legislation. However, in the latter case while easements in the floodway will be acquired by the Federal Government, only one common structure will be provided to carry the railroads in the areas concerned during periods when the floodway is flooded.

The adoption of the amendment would, of course, still preserve the principle of local contribution, although it would result in a substantial reduction in the amount of such contribution. I do not think it appropriate for me to comment on the advisability of adopting the amendment, other than to point out its effect on increasing the Federal cost involved in the authorization, since the provisions with respect to local cooperation would appear to be a matter of policy outside of the jurisdiction of this office.

Sincerely yours,

G. B. PILLSBURY,  
Brigadier General, Acting Chief of Engineers.

Mr. COPELAND. With the addition of the St. Francis and the Yazoo projects, the amount involved would be \$100,000,000 instead of the \$80,000,000 stated in the letter.

The letter mentions two projects in connection with which the Federal Government bore the cost of railroad relocation. The first one was the Muskingum, in Ohio; but that was a P. W. A. project. All of the money was paid out of the P. W. A. fund. The second project mentioned is in the Overton bill, and provides for one structure, as the letter states, over a 10-mile-wide floodway. With those two exceptions, the Federal Government has never taken such action.

Mr. WHEELER. Mr. President, let me again call attention to the fact that, while in a sense it is only shifting the burden from the local government to the Federal Government, yet, as a practical matter, we all know it means quite a different proposition. We all know that if a State or municipal government is interested in building a project for flood control, they can go to the railroads and make a deal with the railroads for doing the work at a great saving to the people of the local community. But if we leave it open, the railroads are going to see that the local government is

only going to contribute the easements and the Federal Government is going to pay for the relocation of the railroads, and all who have any practical knowledge of the situation know that the Federal Government is going to have to pay through the nose in order to get those easements, because they will not have any other way out.

Mr. VANDENBERG. Mr. President, will the Senator from Montana yield at that point?

The PRESIDING OFFICER (Mr. DUFFY in the chair). Does the Senator from Montana yield to the Senator from Michigan?

Mr. WHEELER. I yield.

Mr. VANDENBERG. What the Senator is now saying is literally justified by a letter from the War Department with respect to the Overton bill. At the time we were considering that in the Commerce Committee this precise relative question arose. It resulted in a letter from the Secretary of War who said that if the Federal Government was thrown into a complete general responsibility of the nature the Senator now describes, it would represent, and I quote his language "an immeasurable responsibility." The War Department furnished us with exhibit after exhibit to show what happens to the Federal Government when it falls into the auspices the Senator is now describing.

Mr. WHEELER. Mr. President, when the Government has undertaken the building of projects in my home State, which we will take for illustration, the local government could have bought certain lands for a very low price; but the minute the Federal Government stepped in and was authorized to buy those lands, everybody in the community started to hold up the Federal Government. The owners raised three or four times the price they had formerly asked for their lands. The cases were taken into court, and of course the juries just "soaked" the Federal Government, because Uncle Sam was paying the bill. Now we are leaving the way open for the railroads and the State governments to give Uncle Sam a good trimming on every single project where it is necessary to touch the railroads in order to move their tracks; and it should not be done.

I have not any interest in the subject except to try to save the Federal Government a few dollars in a matter of this kind, where we are contributing to the welfare of the local people of the community.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SHIPSTEAD. I should like to ask the Senator from Pennsylvania [Mr. GUFFEY] a question. In the case of the Muskingum River, where the Federal Government paid for the relocation of railroads, were any of the roadbeds located in the stream below high-water mark?

Mr. GUFFEY. The Senator will have to ask somebody from Ohio. They must have been below low-water mark in order to be moved. I am not familiar with conditions there.

Mr. SHIPSTEAD. They must have been below high-water mark? That raises a very interesting question, because I should like to ask the Senator from Montana [Mr. WHEELER] or some other constitutional lawyer whether or not the power which the Federal Government enjoys over navigable waters for the purpose of controlling navigation extends to the problem of flood control. I believe it does.

We have had some very interesting information here. The Federal Government can pay for property taken for public use for navigation only where a railroad or any other user has a clear title to the property taken. I see by the letter of the War Department, and I hear that there are easements here, there are railroads to be moved, and we are told that some of the railroads which are to be moved and paid for by the Federal Government are occupying the river bed below high-water mark. I never could understand where the Federal Government gets authority to pay for the removal of a railroad occupying a river bed below high-water mark.

The custody and control of the navigable waters was donated to the Federal Government at the time of the forma-



tion of the Federal Union, to be held in trust for the purposes of navigation. It is true that in every part of the country wherever it has been found convenient, railroads have been built in the river beds, and their structures are in the river beds; but that could be done only under permits that are revocable, and the courts have held that wherever a waterway is needed for the purpose of navigation or for the development of navigation, these structures must be removed at the expense of the railroads which built them.

The Federal Government itself, the Congress itself, cannot alienate the river beds that are owned by the several States, but are under the custody and control of the Federal Government. A permit to a railroad company to build its track in a river bed, and to use the bed of the river and the sand of the river to make its grade cannot endow the railroad company with a vested right. It is there under a license, under sufferance, and it must move whenever the Federal Government finds it necessary to use the river bed for purposes of navigation.

I am aware that the War Department has not taken that point of view. We are now condemning, on the Mississippi River, railroad tracks in the bed of the Mississippi, the removal of which is made necessary for the purpose of building dams to further navigation. Instead of revoking the permits, the War Department put these structures into the petition for condemnation, admitting liability, asking the Federal Government to condemn these structures and pay the damages necessary to get back the right to use property that the Federal Government itself could not alienate.

If this amendment is adopted as it is now worded, we are going to pay for the removal of railroad tracks from river beds where the railroads have no vested rights. For instance, in the Federal court, when the question of the right to grant these permits was raised and protested as a matter of law, the Federal judge held to the effect that he did not care what the law was; he was guided solely by the request of the Secretary of War to condemn. The War Department took the point of view that the Federal Government must pay for the removal of a structure which the War Department itself gave a permit to install, though the permit on its face states that whenever it is found necessary to move the structure because of the necessity to develop navigation, it must be done at the expense of the railroad.

In the first place, the railroad never paid anything for the permit. The permit enabling the railroad to build this structure on its face contained notice that the railroad acquired no vested right, and was there at the sufferance of the Government.

If a railroad is to be moved from a location where it has clear title to the property, and damage is suffered, of course it ought to be paid, and personally I do not care from what source it is paid; but this amendment proposes to pay for property which has been occupied by private corporations and private individuals, property which the Congress itself cannot deed to any corporation or individual. I think the possibilities of the amendment are so overwhelming that we may not be able, for years to come, to figure out the possibilities of expense which are involved.

Unless it is made clear that the Federal Government shall pay only to obtain private property, and not property the Government already owns, the amendment ought to be defeated.

Mr. GUFFEY. Mr. President, the distinguished Senator from Montana [Mr. WHEELER] evidently is not entirely familiar with the intent and purpose of the amendment as drafted. Under this bill, the local governments must purchase and furnish all the easements and rights-of-way. All I am trying to do by this amendment is to relieve the local governments of the necessity of removing the railroads and the modern highways which have been there for many years. With us in western Pennsylvania that involves the sum of \$55,000,000, of which \$34,000,000 is to be borne by the local communities; \$14,000,000 of it will be required to remove and replace the railroads and the highways, and the other \$7,000,000 will have to be contributed to buy the easements and rights-of-way.

In the disbursement of the \$652,000,000 which has been expended on rivers and harbors, every foot of railroad that it has been necessary to remove has been paid for by the Federal Government; every highway necessary to be removed was paid for by the Federal Government; and in the Mississippi Valley bill recently passed here, known as the Overton bill, \$31,000,000 was provided to build a new railroad.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield.

Mr. BYRD. How much additional cost would the Senator's amendment impose on the Federal Government?

Mr. GUFFEY. I think about thirty or thirty-five million dollars, as nearly as I can figure it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Pennsylvania to the committee amendment.

Mr. WHEELER. Mr. President, I desire to say just a word in connection with the amendment.

The Senator from Pennsylvania says that I am not familiar with the bill. I do not think one needs to be familiar with the other provisions of the bill; all one has to do is to read section 3, and he will have the intent of the bill.

As a practical proposition, as I pointed out, if the Senate desires to say to the railroads, in any case where we move a railroad, "You can come in, and the Government is going to pay you"—

Mr. DAVIS. The Government, or the taxpayers in the community where the railroad is located.

Mr. WHEELER. Wait until I finish the sentence. As the bill is drawn at the present time, it provides that the local communities or the State governments shall pay or arrange for the rebuilding or the replacing of the railroads. As I said a moment ago, anyone who has had any practical experience knows that when it is necessary to arrange some matter with a railroad, the States or local communities can make a much better arrangement with the railroad and get much better cooperation from it than can the Federal Government, because the railroads are dependent upon the local communities for their business, their traffic, and their good will.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. MURPHY. The Senator stated that the Federal Government would pay. Does the Senator state that the Federal Government will pay, under this amendment, notwithstanding the fact that the railroads may have rights-of-way located below the high-water line in river beds where they have no vested rights?

Mr. WHEELER. Of course, they would have to under this amendment, because, as the Senator from Minnesota pointed out, that is exactly what was done along the Mississippi, where they had no vested rights; yet the War Department paid. All they had to do was to revoke their permits, according to the Senator from Minnesota. I am not familiar with that situation.

Mr. MURPHY. The Senator from Minnesota stated facts within my knowledge. I know that he stated the facts correctly, but I was wondering whether the language of the amendment as drawn would nullify the practice now being followed in the Mississippi Valley of making demand upon the War Department for revocation of the permits for rights-of-way occupied by the railroads, where those rights-of-way are below the high-water mark.

Mr. WHEELER. I do not think there is anything in the amendment which would change that one way or the other.

Mr. SHIPSTEAD. Mr. President, under the amendment there will be done what the War Department started to do before the Department of Justice interfered. The amendment would make it impossible for the Department of Justice to interfere, because it would by law compel the Government to do what the War Department did without warrant of law, and to which the Department of Justice has very strenuously objected.

Mr. WHEELER. Mr. President, I would not wish to pass judgment on that matter without giving it further consideration.



As I was saying before, for every foot of land taken as a result of this measure, the Government would have to pay through the nose, because there would be condemnation proceedings. If the War Department did not agree on the price asked, they would have to resort to condemnation proceedings, and anyone who knows anything about the trial of condemnation cases knows that when the Government is involved in a condemnation proceeding, the local communities and the people upon the local juries all over the country soak the Government of the United States, and that is what it would mean in this instance. These are just the plain, unadulterated facts with reference to the situation, and I have stated what would happen if this amendment were agreed to. If the Congress wants to do it, it is all right with me.

Mr. WALSH. Mr. President, if I understand the position of the Senator, he says that because railroads have land along the courses of rivers, and are in flood areas themselves, removing them from those areas through the building of reservoirs would be of benefit to them, and they themselves ought to pay.

Mr. WHEELER. Yes.

Mr. WALSH. He is not asking that the local communities as is now contemplated by the bill, or the Federal Government, shall pay, but he thinks the railroads themselves ought to pay.

Mr. WHEELER. Exactly; I think they ought to contribute to the extent of their benefit.

Mr. WALSH. On the theory that they are benefited by having their property safeguarded from floods.

Mr. WHEELER. Exactly.

Mr. WALSH. Of course, there is no such proposition to be voted on. The proposition before us is whether the Federal Government or the local government will pay; but the Senator might well offer an amendment along the line he has suggested.

Mr. WHEELER. As the bill is drafted, there is a provision that the States or political subdivisions shall "provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project." The local government will have to do it, but I say that the local government will go to the railroad and say, "We want this project completed, we cannot afford to buy your railroad, and we want you to contribute to it"; and they will contribute to it. They will not dare do anything else, because they will not dare hold up the project. But if this exception is inserted, then the local government will say, "We are not going to furnish you with the easements required under the law." Under those circumstances the Government of the United States will be forced to condemn or to buy the railroad property, and the railroad is not going to contribute when it knows that the Government of the United States is to pay for it.

Mr. WALSH. The fact the Senator is now stressing, which I confess I did not grasp earlier, is that flood-control projects are for the benefit of the railroads.

Mr. WHEELER. Exactly.

Mr. WALSH. That they will prevent them suffering damages because of floods, and that therefore the railroads themselves ought to bear the expense, rather than the local communities or the Federal Government.

Mr. WHEELER. We get a pretty good idea of the situation if we consider the railroads between here and Pittsburgh, and we will see where they are working and building up their roadbeds which suffered as a result of the floods on the nearby rivers. The railroads are going to be benefited by this flood-control legislation as much as practically anybody else in the country will be benefited.

Mr. WALSH. The Senator can conceive, as I can, the possibility of it being necessary to relocate a railroad, a change which would be of benefit to the railroad.

Mr. WHEELER. That is true, and in such case the local government could make a better deal with the railroad

than could the Federal Government, because the Federal Government, regardless of whether the railroad is benefited or not, is bound to pay for the relocation.

Mr. WALSH. In other words, the additional value by reason of the relocation of the railroad is an offset against the damages?

Mr. WHEELER. Exactly. Assuming, for the sake of the argument, a railroad that is to be greatly benefited by reason of a flood-control dam, they may have to relocate the railroad anyway, but the Government comes along and builds a dam, and then they say to the Government of the United States, "You have to pay us for relocating our railroad which is being washed out by floods."

Mr. MINTON. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. MINTON. It would not be possible to set off in a condemnation suit any betterment or advantage which a railroad might receive?

Mr. WHEELER. No.

Mr. MINTON. They are entitled to market value, or reproduction cost?

Mr. WHEELER. Exactly.

Mr. MINTON. The betterment, if any, could not be set off?

Mr. WHEELER. It could not be.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania [Mr. GUFFEY], as modified, to the amendment of the committee.

Mr. SHIPSTEAD. Mr. President, how was the amendment modified?

The PRESIDING OFFICER. The clerk will read the amendment to the amendment as modified.

The CHIEF CLERK. In the committee amendment, on page 55, line 10, after the word "project", it is proposed to insert "exclusive of construction costs of railroads and relocations of improved highways."

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Pennsylvania to the committee amendment.

Mr. SHIPSTEAD. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. VANDENBERG. I announce that the senior Senator from Oregon [Mr. McNARY] is necessarily absent from the Senate. He has a pair with the senior Senator from Mississippi [Mr. HARRISON]. If present, the Senator from Oregon would vote "nay" on this question.

Mr. BILBO. I have a general pair with the Senator from Iowa [Mr. DICKINSON]. I transfer that pair to the Senator from Utah [Mr. THOMAS], and will vote. I vote "yea."

I am not advised how either the Senator from Iowa or the Senator from Utah would vote on this question if present.

Mr. AUSTIN. I announce the general pairs of the Senator from Delaware [Mr. TOWNSEND] with the Senator from Tennessee [Mr. McKELLAR], and the Senator from North Dakota [Mr. NYE] with the Senator from Maryland [Mr. RADCLIFFE].

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], and the Senator from Nevada [Mr. McCARRAN] are detained from the Senate on account of illness.

The Senator from North Carolina [Mr. REYNOLDS] is detained on account of a death in his family.

The Senator from Arizona [Mr. ASHURST], the Senator from South Dakota [Mr. BULOW], the Senator from Nebraska [Mr. BURKE], the Senator from South Carolina [Mr. BYRNES], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Illinois [Mr. DIETERICH], the Senator from Georgia [Mr. GEORGE], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. GORE], the Senator from Mississippi [Mr. HARRISON], the Senator from Utah



[Mr. KING], the Senator from Illinois [Mr. LEWIS], the Senator from California [Mr. McADOO], the Senator from Tennessee [Mr. McKELLAR], the Senator from New Jersey [Mr. MOORE], the Senators from Maryland [Mr. TYDINGS and Mr. RADCLIFFE], the Senator from Georgia [Mr. RUSSELL], the Senator from Utah [Mr. THOMAS], the Senator from Indiana [Mr. VAN NUYS], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained.

The result was announced—yeas 11, nays 52, as follows:

## YEAS—11

Bachman	Black	Davis	Neely
Barkley	Bone	Guffey	Schwellenbach
Bilbo	Chavez	Logan	

## NAYS—52

Adams	Connally	Holt	Overton
Austin	Copeland	Johnson	Pittman
Bailey	Couzens	Keyes	Pope
Barbour	Donahay	La Follette	Robinson
Benson	Duffy	Loneragan	Sheppard
Borah	Fletcher	Long	Shipstead
Brown	Frazier	McGill	Smith
Bulkley	Gerry	Maloney	Steiwer
Byrd	Gibson	Metcalf	Thomas, Okla.
Capper	Hale	Minton	Truman
Caraway	Hastings	Murphy	Vandenberg
Carey	Hatch	Murray	Wheeler
Clark	Hayden	O'Mahoney	White

## NOT VOTING—32

Ashurst	Dieterich	McCarran	Reynolds
Bankhead	George	McKellar	Russell
Bulow	Glass	McNary	Thomas, Utah
Burke	Gore	Moore	Townsend
Byrnes	Harrison	Norbeck	Tydings
Coolidge	King	Norris	Van Nuys
Costigan	Lewis	Nye	Wagner
Dickinson	McAdoo	Radcliffe	Walsh

So Mr. GUFFEY's modified amendment to the committee amendment was rejected.

Mr. SHEPPARD. Mr. President, I send to the desk an amendment to the survey section, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 111, after line 7, it is proposed to insert "Lower Colorado River, Tex."

Mr. COPELAND. The committee has no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GIBSON. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 55, line 24, after the word "war", it is proposed to insert:

With the consent of the State wherein the same are located.

Mr. COPELAND. We have no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont to the committee amendment.

The amendment to the amendment was agreed to.

Mr. CAREY. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 114, line 18, it is proposed to insert the following:

Snake River and tributaries, North Platte River, Big Horn River, Green River, Belle Fourche River and tributaries, Powder River and tributaries in Wyoming.

Mr. COPELAND. The committee has no objection to that amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

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Mr. CAPPER. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 75, after line 21, it is proposed to insert the following:

Morris County on Grand (Neosho) River in Kansas: Channel straightening and dikes from present dike at Council Grove to Lyon County line, and permanent repairs to dikes and dredging to protect city of Council Grove; surveys to be completed and data in Office of the Chief of Engineers; cost, \$150,000.

Mr. COPELAND. Mr. President, the committee could not agree to that amendment. I am sorry, but the Army Engineers have made an adverse report. It is not economically justified. I suggest to the Senator that he include the river in the survey section so we may have an early report in the hope that at the beginning of the next session something definite may be done about it.

Mr. CAPPER. Very well. I withdraw the amendment as offered and offer the modified amendment to the survey section.

Mr. COPELAND. The Senator does not propose to include the amount of money as stated in the amendment as originally offered, but just to have provision made for survey?

Mr. CAPPER. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, after line 22, it is proposed to insert:

Morris County on Grand (Neosho) River in Kansas.

The amendment to the amendment was agreed to.

Mr. CAPPER. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 99 it is proposed to strike out lines 7 to 11, inclusive, and in lieu thereof to insert:

Lawrence, North Lawrence, and immediately contiguous area, on Kansas River, Kans.: Levees and interior drainage to protect people, city property, and highly productive rural area; plan of Douglas County Kaw Drainage District as recommended by Chief of Engineers to Works Progress Administration; cost \$334,000.

Mr. COPELAND. Mr. President, I am sorry, but this item has not received a favorable report from the Board of Army Engineers. I make the same suggestion, that the river be made the subject of a survey and included in the survey section. The committee could not accept the amendment as offered.

Mr. CAPPER. Very well; I withdraw the amendment as offered, and send a modified amendment to the desk.

The PRESIDING OFFICER. The amendment as modified will be stated.

The CHIEF CLERK. In the committee amendment on page 111, after line 22, it is proposed to insert:

Lawrence, North Lawrence, and immediately contiguous areas, on Kansas River, Kans.

The amendment to the amendment was agreed to.

Mr. CAPPER. Mr. President, I send to the desk another amendment.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 99, after line 11, it is proposed to insert:

Manhattan, Kans.: Levees and channel improvement of the Kansas River to protect town; House Document No. 195, Seventy-third Congress, second session; estimated cost, \$155,300.

Mr. COPELAND. Mr. President, I am sorry, but the situation is the same as with reference to the other amendments. The Senator from Kansas offered a number of projects which were carefully considered by the committee. Among those on which we could not obtain a favorable report was this particular one. I suggest that the amendment be modified and inserted in the survey section.

Mr. CAPPER. The suggestion is agreeable to me. I offer the amendment in modified form.



The PRESIDING OFFICER. The amendment as modified will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, after line 22, it is proposed to insert:

Manhattan, Kans.

The amendment to the amendment was agreed to.

Mr. CAPPER. I send to the desk another amendment which I offer.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 98, it is proposed to strike out lines 13 to 19, inclusive, and in lieu thereof insert the following:

Kansas Citys on Missouri and Kansas Rivers in Missouri and Kansas: Levees, flood walls, retention dams, reservoirs, and other works of every character, at and above the Kansas Citys, to protect people and city property; in accordance with plans approved by the Chief of Engineers, on recommendation of the Board of Engineers for Rivers and Harbors and as amended by further surveys and studies now in progress; estimated construction cost not to exceed \$10,000,000; estimated cost of lands and damages, \$8,000,000.

Mr. COPELAND. Mr. President, the project has been disapproved, and I make the same suggestion as to this item that was made with reference to the preceding amendment.

Mr. KING. Mr. President, if the project has been disapproved, why should it be inserted in the bill at all?

Mr. COPELAND. The project is rejected; but the request of the Senator from Kansas is that the river may at some future time be resurveyed.

Mr. CAPPER. I adopt the suggestion of the Senator from New York and modify the amendment. I send the modified amendment to the desk.

The PRESIDING OFFICER. The amendment as modified will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, after line 22, it is proposed to insert the following:

Kansas Citys, on Missouri and Kansas Rivers, in Missouri and Kansas.

The amendment to the amendment was agreed to.

Mr. CAPPER. I offer another amendment.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 98, after line 19, it is proposed to insert the following:

Fort Scott, on the Marmaton, tributary of the Osage (Marias des Cygnes) River, Kans.: Levees and track raising to protect area where greatest property value concentrated, along Black Run Creek; House Document No. 91, Seventy-third Congress, first session; cost, \$149,300.

Mr. COPELAND. Mr. President, I am sorry. I love the Senator from Kansas so much that I hate to stand here and play the part of "Old Man Gloom", but this project has been disapproved. I suggest that the river be resurveyed.

Mr. CAPPER. The project has been investigated by the office of the Chief of Engineers of the Army and has been found to be justified.

Mr. COPELAND. Mr. President, the Fort Scott on the Marmaton project was reported by the Army Engineers to lack economic justification. The annual cost is estimated at \$17,700 as compared with the annual estimated benefit of \$12,000. It is plainly not justified economically. Therefore, the committee reported against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the committee amendment.

The amendment to the amendment was rejected.

Mr. CAPPER. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 76, after line 2, it is proposed to insert the following:

Lyon and Morris Counties, south of Dunlap, on Grand (Neosho) River in Kansas; levees (unit no. 52) to protect 1,350 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$56,160.

Lyon County, south of Americus, on Grand (Neosho) River in Kansas; levees (unit no. 51) to protect 3,060 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$132,500.

Lyon County, southwest of Emporia, on Grand (Neosho) River in Kansas; levees (unit no. 42) to protect 2,520 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$114,000.

Lyon County, south of Emporia, on Grand (Neosho) River in Kansas; levees (unit no. 41) to protect 4,000 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$117,100.

Coffey and Woodson Counties, north of Neosho Falls, on Grand (Neosho) River in Kansas; levees (unit no. 29) to protect 5,220 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$227,700.

Construction of the following flood-control works along the Grand (Neosho) River in Neosho County, Kans.; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers:

Just north of Labette County line on west side of the river (unit no. 10); levees to protect 790 acres of land; cost, \$150,390.

Southeast of St. Paul on east side of the river (unit no. 11); additional levee raising made necessary by other levees proposed in Neosho County if constructed to complete the protection of 10,450 acres of land; cost, \$327,300.

Around St. Paul on east side of river (unit no. 12); levees to protect 2,790 acres of land; cost, \$346,010.

West of St. Paul on west side of river (unit no. 13); levees to protect 2,450 acres of land; cost, \$247,580.

West and south of Erie on east side of river (unit no. 14); levees to protect 4,320 acres of land; cost, \$329,660.

South of Shaw on west side of river (unit no. 15); levees to protect 750 acres of land; cost, \$122,630.

North of Shaw on east side of river (unit no. 16); levees to protect 750 acres of land; cost, \$112,570.

West of Rollin on east side of river (unit no. 17); levees to protect 1,500 acres of land; cost, \$160,630.

West of Rollin on west side of river (unit no. 18); levees to protect 830 acres of land; cost, \$61,070.

North and east of Chanute on west side of river (unit no. 19); levees to protect 1,980 acres of land; cost, \$239,870.

North of Chanute on west side of river (unit no. 20); levees to protect 1,300 acres of land; cost, \$191,450.

Neosho County, southeast of St. Paul, on Grand (Neosho) River in Kansas; levees (unit no. 11) to protect 10,450 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$389,200.

Labette County, east of Parsons, on Grand (Neosho) River in Kansas; levees (unit no. 8) to protect 2,980 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$102,600.

Cherokee and Labette Counties, north of Oswego, on Grand (Neosho) River in Kansas; levees (unit no. 7) to protect 4,280 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$150,000.

Cherokee County, southeast of Oswego, on Grand (Neosho) River in Kansas; levees (unit no. 5) to protect 3,920 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$161,100.

Ottawa and Cherokee Counties, Okla. and Kans., on Grand (Neosho) River; levees (unit no. 3) to protect 6,100 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$175,100.

Ottawa County, west of Miami, on Grand (Neosho) River in Oklahoma; levees (unit no. 1) to protect 2,520 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$89,860.

Mr. COPELAND. Mr. President, this blanket proposal received very serious study on the part of the committee. I am sorry to say that, without exception, there was found to be no economic justification for it. For example, take the case of Lyon County: The investment of a dollar there would bring a return of only 9 cents. So these various projects all fall below the standard of a dollar of return for every dollar invested. Much as I hesitate to say so, they are matters which were before the committee and studied by the committee and referred to the Army Engineers, and we must advise against their adoption.

Mr. CAPPER. Mr. President, the Neosho River is one of the most important streams in southeastern Kansas. It flows through a number of the leading agricultural counties of the State, and its valley contains much valuable farm land. It follows a winding course, and its banks are comparatively shallow. On that account it is subject to frequent floods and is considered one of the most destructive streams in the State. Not infrequently the stream is at flood stage two or three times each year.



To protect themselves against its floodwaters, farmers and other citizens living in the valley of the Neosho organized a number of drainage or levee districts and constructed flood-control dikes or levees. However, recurring floods have so damaged the levees as to make them all but useless; and the constant losses suffered by residents of the valley have been such as to render them financially unable to maintain the flood-protection system.

Commenting on the flood situation along the Neosho in a letter to me under date of December 9, 1935, the Acting Chief of Engineers of the Army said:

This Department has completed a survey of the Neosho River under the provisions of House Document No. 308, Sixty-ninth Congress, first session. This survey developed that since the first levees were built in Neosho County in 1892 their construction has spread throughout the valley without any coordinated plan of construction. Many levees have so encroached on the flood plain as to create a menace by constricting the floodway; and few of the levees, if any, are adequate in size. A complete levee program for the valley would, by eliminating valley storage, result in practically doubling the natural flood flow at the Kansas-Oklahoma line and would so raise the flood line as to seriously interfere with the bridges, railroad, and highway crossings. The better-situated lands can be economically protected by levee systems.

The property loss resulting from these floods has been very great. It is to protect the citizens living in the Neosho Valley that the projects covered by my amendment are requested. These projects have been examined by the Office of the Chief of Engineers and have been declared to be meritorious. I feel that they are justified from every standpoint, and I hope favorable action may be taken on the amendment authorizing them.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. GIBSON. Mr. President, I offer an amendment to the survey section.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 114 it is proposed to insert:

West River, Vt., between Weston and Brattleboro.

The PRESIDING OFFICER. The Chair will state that this is an amendment to the survey section. Is there any objection to it on the part of the committee?

Mr. COPELAND. No objection.

Mr. KING. Mr. President, I desire to ask the Senator from New York three questions.

The first is, How many surveys are authorized under the bill?

The second question is, If all these authorizations were carried out, how much money would it take?

The third question is, How many engineers will have to be employed, in addition to all the Army Engineers, in order to make these surveys?

Mr. COPELAND. No more engineers will be employed than are now employed. The amount of money we have authorized in the bill for surveys is \$5,000,000. Some of the surveys proposed today will be made at some time within the next 20 years.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont to the survey section of the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ROBINSON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 72, after line 17, it is proposed to insert the following:

Faulkner County on Arkansas River, levee district no. 1: To protect agricultural lands; cost, \$100,000.

Mr. COPELAND. Mr. President, this project is still a matter in debate among the Army Engineers. It stands on a different plane from any other project which has been presented. For myself, I should be willing to take this particu-

lar item to conference, because of the fact that it is still under discussion among the Army Engineers.

Mr. ROBINSON. Very well. In addition to what the Senator from New York has said, I will state that this item represents a gap in a system which I feel it is imperative to have completed if it can be done.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. CHAVEZ. Mr. President, I offer an amendment to the survey section.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. At the proper place in the bill, it is proposed to insert:

Dry Cimarron River, Union County, N. Mex.

Mr. COPELAND. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MCGILL. Mr. President, I offer an amendment to the survey section.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. After line 1, page 112, it is proposed to add the following:

Big Blue River, Kans.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. COPELAND. Mr. President, we have now completed everything relating to the first part of the bill, the printed part of the bill. The amendments have all been agreed to; the surveys are all in, and I now ask that this title, as amended, be adopted. There is another amendment which is the second title.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. BYRD. Mr. President, I should like to have the Senator indicate the pages to which he refers.

Mr. COPELAND. My request has nothing to do with title II, in which the Senator from Virginia is interested. It is the printed part of the bill as the Senator has it before him.

Mr. BYRD. The entire bill?

Mr. COPELAND. The entire bill as amended. We have now gone through every section of it, everything except title II, which is not printed, but is an amendment I am about to offer.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York to vote upon title I of the bill?

Mr. KING. Mr. President, I have no objection to the manner in which approval or disapproval of the bill in its present form may be brought about. I merely wish to state that I am opposed to the bill in its present form, and I am opposed to it in any form it will assume, judging from any information we have thus far derived. If there is not to be a ye-and-nay vote upon the motion just made by the Senator from New York, I desire to have the RECORD show that the senior Senator from Utah voted "nay."

Mr. BYRD. Mr. President, I should like the RECORD to show that had there been a ye-and-nay vote I should have voted in the negative; and my colleague [Mr. GLASS], who is unavoidably absent, also would have voted in the negative.

The PRESIDING OFFICER. The question is on agreeing to title I of the amendment in the nature of a substitute, as amended. [Putting the question.] The "ayes" have it, and title I, as amended, is agreed to.



Mr. COPELAND. Mr. President, I now offer the amendment to be known as title II, and ask to have it read.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 116, after line 2, it is proposed to insert:

#### TITLE II

Sec. 1. There is hereby established a National Resources Board (hereinafter referred to as the Board) to be composed of five members, not more than three of whom shall belong to the same political party, to be appointed by the President by and with the advice and consent of the Senate. Each member shall receive a salary at the rate of \$10,000 per year.

Sec. 2. The Board shall determine the rules of its own proceedings and a majority of its members shall constitute a quorum for the transaction of business.

Sec. 3. The Board is authorized, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to appoint for such period or periods of full- or part-time service, a director and such officers, consultants, attorneys, experts, and research assistants, and to fix the compensation of each on such annual, per-diem, or other basis, as may be necessary in carrying out the functions of the Board under this act, and the Board may, subject to the civil-service laws, appoint such other employees as are necessary in the execution of its functions and fix their salaries in accordance with the Classification Act of 1923, as amended. The Board may make such expenditures (including expenditures for personal services and travel and for office rent and equipment at the seat of government and elsewhere, and for law books, books of reference, and periodicals) as may be necessary for the administration of this act, and as may be provided for by the Congress from time to time. There is hereby authorized to be appropriated annually such sums as may be necessary for the expenses of the Board.

Sec. 4. The Board is authorized (a) to investigate, examine, study, analyze, assemble, and coordinate, and periodically to review and revise basic information and materials appropriate to plans for the conservation and development of the natural resources of the Nation, and on the basis thereof to initiate and propose in an advisory capacity such plans and planning policies; (b) in furtherance of these ends to consult with any existing or future agencies of the Federal Government and of any State or local government, as well as with any public or private planning or research agencies and institutions; (c) to prepare and submit studies, reports, and recommendations upon matters within its jurisdiction under this act whenever the President or the Congress may request a study, report, or recommendation from the Board upon any such matter; and (d) to set up a special advisory council and to constitute such other agencies as the Board may deem necessary or appropriate to assist in the carrying out of its works.

Sec. 5. The Board shall prepare and present each year to the President and to Congress a report setting forth and summarizing its work during the preceding year, and shall include therein such information, data, and recommendation for further legislation as the Board may deem advisable with regard to matters within its jurisdiction under this act.

Sec. 6. The National Resources Committee created by Executive Order No. 7065, dated June 7, 1935 (hereinafter referred to as the old board), shall cease to exist at such time as the President shall determine; and thereafter all records, papers, property, and funds of the old board shall be transferred to the Board; and such employees of the old board as shall be designated by the Board and shall pass noncompetitive tests of fitness prescribed by the Civil Service Commission shall acquire classified civil-service status and shall become employees of the Board at the grades and salaries specified in their respective examinations: *Provided*, That this section shall not be construed to impair any obligation incurred by the old board.

Sec. 7. This title may be cited as the National Resources Board Act of 1936.

The PRESIDING OFFICER. The question is on the adoption of the amendment designated as title II.

Mr. O'MAHONEY. Mr. President, on behalf of the chairman of the Committee on Public Lands and Surveys, the junior Senator from New York [Mr. WAGNER], who is unavoidably absent, I move that the amendment offered by the senior Senator from New York [Mr. COPELAND] be referred to the Committee on Public Lands and Surveys.

The amendment was considered this morning by the Committee on Public Lands and Surveys, and the chairman was authorized by the committee to make the motion which I have now presented to the Senate.

It may be proper to point out that within the month the Senate passed a measure, which had been approved by the Committee on Public Lands and Surveys, changing the name of the Department of the Interior to the Department of Conservation. This Department includes among its bureaus the United States Geological Survey, the Bureau of Mines,

the Bureau of Reclamation, and the General Land Office, all of which deal with national resources. Among its employees are any number of experts who are fully qualified to pass upon all the questions which will be considered by the board proposed to be created by this amendment.

The Committee on Public Lands and Surveys, of course, has no purpose of expressing any view at the present time as to whether or not such legislation as this should be enacted, indeed, speaking for myself, let me say I recognize the value of the principle, but it desires to call the attention of the Senate to the fact that a similar bill was introduced in the House of Representatives by Representative MAVERICK, House bill 10303, on January 16 of this year, and was referred to the Committee on Public Lands of the House. It was recognized as the proper committee to deal with the subject matter. A similar bill was introduced in the Senate during the last session by the senior Senator from New York [Mr. COPELAND], and referred to the Committee on Commerce, from which it was reported in June of last year, without hearings, as I am informed. That measure has been upon the calendar of the Senate since that time. In other words, it has been on the calendar of this body throughout this session, and whenever the calendar has been called it has always been objected to, because Members of the Senate have not had the opportunity of giving the attention to the measure which it quite obviously deserves.

It seems to be a little inappropriate to pass, as a rider to a flood-control bill, a measure which would undertake to establish an altogether new agency of Government. During the year 1933, after the passage of the National Industrial Recovery Act, when the President was authorized to make certain emergency expenditures, the National Resources Committee was established by Executive order. The members of that committee are, among others, the Secretary of the Interior, as chairman, the Secretary of War, the Secretary of Commerce, the Secretary of Labor, and other individuals. Each of these Secretaries serves without compensation in addition to that which he receives as head of his department.

The pending amendment would create a new commission of five members, each of whom would receive an annual salary of \$10,000.

Mr. CLARK. The salary was \$12,000 until the committee cut it down to \$10,000.

Mr. O'MAHONEY. The Senator is correct; it was \$12,000 in the bill reported by the Committee on Commerce at the last session.

It seems, therefore, that there is no particular reason for hurrying through, as a rider, a measure which might have the effect of taking over the functions of the Department of the Interior.

Moreover, this has to do with the resources of the United States. Most of those resources which are not contained in private lands in the Eastern States are to be found in the public domain, in the Western States, and it seems to the Committee on Public Lands and Surveys that a measure which deals so intimately with the vital concerns of the public-land States should not be lightly considered, without the action of the appropriate committee, and the appropriate committee in this instance is the Committee on Public Lands and Surveys.

I do not know that it is necessary for me at this time to make any further comment upon the reasons for the motion to refer the amendment to the Committee on Public Lands for proper consideration by that committee.

Mr. PITTMAN. Mr. President, I intend to support the motion made by the Senator from Wyoming [Mr. O'MAHONEY]. I was present at the meeting of the Committee on Public Lands and Surveys this morning when this proposed amendment was called to the attention of the committee. The committee was unanimous in its view on the matter, as that view has been expressed so clearly by the Senator from Wyoming.

I should say, in the first place, that the pending bill is not a measure to which should be attached such an amendment as this. It certainly comes as a surprise. I doubt very



seriously, from what I have heard, whether it had careful consideration in the Committee on Commerce, as it was a matter entirely foreign to the main legislation.

There is already an interdepartmental committee set up to study and report on this very subject, and it consists of the heads of the departments which deal with our natural resources; for instance, the Department of Agriculture, which deals with our forest reserves, with reforestation, soil erosion, and various other subjects. Then there is the Department of the Interior, which deals generally with all the public lands, with minerals, through the Bureau of Mines, with public surveys, and with power projects. Again, there is the War Department, which deals, to a certain extent, with navigable rivers. In other words, conservation is handled by several departments of the Government, and the departments are dealing through a board which attempts to coordinate the various activities.

Now, we have before us an amendment which provides for the appointment of a board of five members, who are to draw \$10,000 a year, who are to be allowed to appoint experts, attorneys, geologists, and engineers, without limitation as to the expenses they may incur. There is absolutely no limitation fixed in the amendment.

The amendment has not been considered, and it should be considered. I think it would be very unfortunate at this time to attempt to establish a great bureau of this kind, without limit on the expense it may incur, without designation of authority, when it is not needed, and the question has not been studied.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. O'MAHONEY. I desire to call the attention of the Senator to the fact that section 2 of the amendment, as I read it, authorizes the board to determine the rules of its own procedure, and the regulations under which it shall carry on. Certainly that provision ought to be considered seriously by a committee of the Senate.

Mr. PITTMAN. The board would be absolutely unlimited as to functions or as to appropriations.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. CLARK. I call the attention of the Senator to the fact that as the amendment is at present drawn, there is absolutely no limit whatever to the terms of the commissioners to be appointed. In other words, by the amendment as it now stands they are apparently to be appointed for as long as they live.

Mr. PITTMAN. There is not a limitation in the whole amendment.

Mr. HAYDEN. Mr. President, if I believed that the term "national resources" should be confined to lands or property of the United States, I would agree that there was force to the suggestion made by the Senator from Wyoming that this amendment be referred to the Committee on Public Lands and Surveys, because that committee has jurisdiction over the public domain. But it is not the purpose of title II, as it is presented, to confine the national resources board to a mere consideration of what should be done with property of the United States, and it is so stated in the amendment itself:

The board is authorized (a) to investigate, examine, study, analyze, assemble, and coordinate, and periodically to review and revise, basic information and materials appropriate to plans for the conservation and development of the natural resources of the Nation.

The natural resources of the Nation to a vast extent are in private ownership. Because the coal in a mine or a stand of timber belongs to some individual or to a corporation does not mean that they are not natural resources of the Nation. So, this proposal is not one which deals solely with public lands or public property.

As I view the amendment, its purpose is quite parallel with what was done when the General Staff of the Army was created. The President ought to have a general staff on problems of natural resources, and that is what title II would

accomplish in establishing a permanent national resources board.

Elihu Root was not only Secretary of War but a great Secretary of War. In the years after he left that office he often said that the chief accomplishment of his service was the establishment of a General Staff for the Army. A statement that he made in his annual report of 1902 may be paraphrased as an argument for a general staff for our national resources. Its application to flood control is obvious. Secretary Root said:

Such a body of men doing General Staff duty is just as necessary to prepare an army properly for war in time of peace as it is in time of war. It is not an executive body; it is not an administrative body; it acts only through the authority of others. It makes intelligent command possible by procuring and arranging information and working out plans in detail, and it makes intelligent and effective execution of commands possible by keeping all the separate agents advised of the parts they are to play in the general scheme.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. O'MAHONEY. Is it not a fact that the general staff to which the Senator refers was a general staff within the War Department under the Secretary of War? Under the pending amendment we create a general staff which is altogether independent of the Secretary of the Interior. The propriety of having the national resources surveyed by the Department of which the Secretary of the Interior is the head was recognized in the Executive order which first created the board, because that order made the Secretary of the Interior chairman of the board. What this amendment does is to break down the coordination between the two, and to set up an altogether independent establishment, which can result in nothing else but friction, and cause cross purposes to exist between the bodies.

Mr. HAYDEN. Again I say that if all the natural resources of the country were now under the jurisdiction of the Department of the Interior it would not be necessary to establish such a board as is proposed by the committee amendment. But the Senator from Wyoming knows as well as I do that other great Departments, such as the Department of Agriculture, the War Department, and other agencies of the Government have much to do with natural resources. Congress cannot, therefore, consign this problem to one department or to the supervision of any one department. The functions of a natural resources board must cover the scope of many branches of the Federal Government both in an informational and educational way and in a coordinating and advisory capacity. I quote from the hearings on S. 2825 to make it clear that the board is to exercise no executive power.

2. That the functions of the board should be advisory and not executive and should include: (a) Coordination of planning policies within the Federal Government; (b) coordination of planning policies between Federal, State, and local jurisdictions; (c) stimulation and assistance to the planning agencies within the Federal Government and in regions, States, and localities; (d) fundamental research directed toward the development of basic national policies and programs.

If Senators will realize the clear distinction between a board created purely to acquire information and to advise, which is staff work, and the executive functions of the various departments, they can appreciate the great advantage which will accrue, in the establishment of wise policies, in dealing with our national resources by reason of the establishment of such a staff. If the duty of fixing broad policies be given to the head of any one of the 10 departments, then friction will result, because no head of one department can do so without treading on the toes of another executive. Therefore the national resources board should be a separate and distinct organization with no executive powers of any kind.

Mr. PITTMAN. May I ask the Senator a question? Is there any particular reason why the Commerce Committee should have more to do with natural resources than the Department of Agriculture or the Department of the Interior?



Mr. HAYDEN. It was entirely appropriate, I may say to the Senator, in its consideration of this great flood-control bill, Nation-wide in its scope, for the Commerce Committee, although the committee has nothing to do with legislation relating to the Department of Agriculture, to amend the bill by providing that that Department shall make investigations and reports upon watersheds with respect to flood control.

Mr. PITTMAN. Do not the Army and the Navy generally accomplish more for the protection of our natural resources than is accomplished by the Board of Army Engineers in their particular field?

Mr. HAYDEN. By way of keeping foreign enemies from invading our country, the Army and Navy do protect its resources. The point I am making, however, is that the Committee on Commerce did recognize that there was another department outside of the War Department which could render real service in flood control.

Mr. PITTMAN. Did the Commerce Committee have anything to do with it?

Mr. HAYDEN. Yes; it reported out the pending amendment to this bill.

Mr. PITTMAN. Did the committee call any of those on the conservation board at present?

Mr. HAYDEN. I am not a member of that committee, and I cannot answer the Senator's question.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CLARK. The amendment was never considered by the Committee on Commerce at all until after the bill had been reported in the Senate, except that an elaborate hearing was held on the bill itself. After the bill was reported in the Senate the Senator from Arizona introduced an amendment comprising six separate committee amendments, and the Committee on Commerce considered them from 11:30 one day to 12:20 the same day. No one appeared at that time before the committee except the Senator from Arizona.

Mr. PITTMAN. Was the report of the committee a unanimous one?

Mr. CLARK. No.

Mr. PITTMAN. I do not care to debate the question any more. If we are to take up the amendment we must frame the amendment properly on the floor of the Senate, which will take several hours.

Mr. VANDENBERG. Mr. President, will the Senator yield to me for the purpose of addressing a question to the Senator from New York?

Mr. HAYDEN. I yield.

Mr. VANDENBERG. There was a substantial division in the Commerce Committee over this amendment. It is a rider to the main purpose of the bill. The Senator from New York has made a perfectly splendid record in protecting this bill against riders, and I want to appeal to him in the name of consistency, with the thoroughly splendid record he has made on the bill, to permit this amendment to go to the committee as requested by the Senator from Wyoming.

Mr. HAYDEN. The Senator from New York may answer the question in his own time but I should like to conclude my remarks.

The Army has found the General Staff an indispensable agency for the development of coordinating plans. Their experience does not show that the General Staff is in any way an interference with the full prerogatives and duties of the separate branches of our national defense. The national resources board as provided in the pending amendment would not interfere with the duties of any department of the Government, but would make possible an over-all view of the relations between the activities of all of the agencies concerned in the development or conservation of the resources of the Nation.

The planning work which the national resources board will do has nothing to do with the talk about regimentation and control which we hear so much of in the press these days. Regimentation and control go with the execution of plans. What the amendment provides for is the

initiation, devising, or formulation of alternative lines of policy. Choice of the final action is left to the Congress and the President.

The work of the national resources board during these last 2 years demonstrates the possibility of decentralized planning work through the assistance given to State planning agencies and regional planning agencies. The opinions and desires of citizens throughout the country are made vocal and effective. The board which produced these fine results has done some wonderful work bringing together Federal agencies and State agencies in a cooperative attack on the waste and exploitation of our natural resources.

Congress cannot expect the President to bring together all of these varying interests concerned with flood control and decide all the issues personally. He must have a "general staff" to assist him. We know by experience of the last 2 years how useful such a staff may be, and it is obvious that this work can be carried on economically and effectively through the adoption of this amendment.

I desire to conclude my remarks by reading an extract from a recent editorial in the Wall Street Journal which indicates the line of demarcation between advisory authority or staff duty and executive authority. I quote:

Economic planning has become a catch phrase signifying an effort to control production, prices, wages, credit, and a host of other things in accordance with the dictates of Federal bureaucrats. The type of planning advocated by the National Resources Committee in its latest report is of an entirely different nature. In essence, it would seek to provide continuing expert knowledge for the guidance of all types of governmental units, but such knowledge would be offered in an advisory capacity only.

I feel that those who oppose the creation of such a general staff for national resources do so by reason of a failure to appreciate what could be accomplished by proper investigation and coordination. They hesitate because of a fear of interference with executive duties and functions. That is, of course, a mistaken notion which will soon be abandoned if this amendment is enacted into law.

Mr. VANDENBERG. May I renew my question addressed to the Senator from New York?

Mr. COPELAND. Mr. President, being of Yankee stock, having been asked a question, I desire to ask one. I wish to ask the Senator from Wyoming if it is his purpose to take this meritorious proposal to the Committee on Public Lands and Surveys in order to bury it in a pigeonhole?

Mr. O'MAHONEY. I am sure the Senator will give the Committee on Public Lands and Surveys credit for being an active committee, and not one where measures are customarily buried. I know it is the intention of the committee, if I could judge from what was said this morning when the subject was considered, to give sincere and earnest attention to this measure. Of course, I cannot speak for the chairman of the committee in his absence, in response to the inquiry of the Senator from New York, but I will say that I shall urge that the matter be taken up at the very next meeting.

Mr. COPELAND. I thank the Senator. We have no more important subject before us as a Senate than this one. I saw in last Sunday's New York Times a very remarkable article, with a chart showing wartime self-sufficiency of the great powers in raw materials. There are possibilities in the United States for the development of raw materials to the extent of almost 100 percent of those needed. To show what I have in mind, I ask unanimous consent to have inserted in the RECORD at this point the article by Harold Callender entitled "Raw Materials Issue Grows More Insistent."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times of May 17, 1936]

RAW-MATERIALS ISSUE GROWS MORE INSISTENT—YET NO COUNTRY, EVEN WITH COLONIES, IS SUFFICIENT UNTO ITSELF IN THE ITEMS ESSENTIAL FOR A WAR

By Harold Callender

LONDON.—Two nations, Japan and Italy, have recently gone to war to obtain colonies; and a third, Germany, has made her demand for colonies one of the conditions of a European agreement for the maintenance of peace. All three support their claims to colonies by pointing to their lack of raw materials.



Their access to these primary commodities, which are necessary for their industries, is hampered both by restrictions and taxes in the producing countries and by the difficulty of obtaining foreign currencies with which to buy them.

Acquisition of colonial empires might reduce these difficulties, if the acquired colonies contained substantial amounts of raw materials; but it would be impossible for any of the three aggrieved nations to gain in this way an adequate supply of all the raw materials they needed. Moreover, their access to these materials, even if they obtained colonies, would still be subject to interruption in case of war—unless they attained command of the seas as well. There is thus no conceivable colonial adjustment which could insure to Japan, Italy, or Germany, in peacetime and in wartime, all the raw materials necessary for its industry and defense.

#### THE BRITISH ATTITUDE

Yet the raw-material problem plays a vital part in all schemes to remove grievances in order to prevent wars; and the British Government has committed itself in principle to the thesis that access to raw materials should somehow be facilitated, if not guaranteed, for those countries notably lacking them. The aspiration to national economic self-sufficiency—unattainable as the goal is for most countries—has accentuated the demand for assured supplies of raw materials.

Some of these materials are foodstuffs, like wheat and meats, without which no nation could survive if blockaded by sea or land. Others are raw materials, like wool and cotton and iron and coal, which are required in large quantities for industries making both consumers' and producers' goods. But most of them, in this age of mechanization, are minerals essential to the manufacture of both peaceful machinery and warlike equipment. Many, like manganese, are required in only small quantities, but are as essential to industry as steel or coal.

It is sometimes said, as in a recent article by H. R. G. Greaves, that there are 25 materials which are indispensable to advanced countries; that the British Empire possesses an adequate supply of 18 of them, Germany of only 4, Italy of 4, Japan of 3.

#### HOLLAND LIST OF MATERIALS

Mr. Greaves does not name the 25 materials. It would be a somewhat arbitrary list in any case. But Sir Thomas H. Holland, of the University of Edinburgh, in his book *The Mineral Sanction*, discusses the distribution of 21 mineral substances of special importance in war—and, he might have added, in peace as well. These minerals are aluminum, antimony, cadmium, chrome ore, copper, fluorspar, graphite, iron and steel, lead, magnesia, manganese, mica, molybdenite, nickel, petroleum, platinum, quicksilver, sulphur, tin, tungsten, and zinc.

Germany is dependent upon foreign sources, wholly or largely, for 14 of these 21 minerals which are so vital to industry and war; Italy is similarly dependent for at least 10 of the 21; Japan must import some 8 of them from areas distant from China. Japan is particularly short of iron, petroleum, lead, and phosphate; as regards oil, she is almost as vulnerable as Italy.

Even the United States, which is regarded as a fortunate power and is better supplied than any other nation with minerals needed in wartime, is almost entirely dependent upon foreign sources for 10 of the 21 minerals listed; though Sir Thomas considers that in an emergency she would face a serious deficiency in only 5—antimony, chromite, manganese, nickel, and tin.

#### EMPIRE NOT SELF-SUFFICIENT

The British Empire, which includes the largest collection of territory under one flag and excites the envy of colonyless powers, would be well supplied so long as the sea communications with its scattered territories were maintained; but it, too, would be incomplete from the point of view of minerals, for it would have to look to foreign sources for antimony, petroleum, quicksilver, and sulphur.

It is clear then that even the richest colonial powers still fall short of the absolute economic self-sufficiency of which smaller powers dream. From this point of view, it might be said that even Britain had not yet acquired enough colonies.

The question of potential self-sufficiency in raw materials in time of war—which, after all, is the essence of the raw-material demands of the discontented nations—is examined in an illuminating manner by Brooks Emeny, in his book, *The Strategy of Raw Materials*. His list of 22 essential industrial raw materials includes some nonmineral substances. The items on his list are strategic materials in the sense that no nation could long live or fight if it did not possess a supply of them.

Their distribution is very uneven. In manganese, necessary for making steel, Russia is the only country which is self-sufficient. Southern Rhodesia is the luckiest spot as regards chromite. Canada has the greatest supplies of nickel. China is especially rich in tungsten and antimony. Spain and Italy, so short of other materials, are the principal sources of mercury.

#### AMERICA'S POSITION

The United States has adequate supplies of at least 7 of these 22 raw materials, and by increasing domestic production, could obtain from its own soil, if necessary, adequate supplies of others; but if cut off from foreign sources it would be short of rubber, chromite, tin, antimony—and Sir Thomas would add nickel and manganese. From 4 to 6 of the 22 materials thus would be unobtainable or obtainable with great difficulty if America were at war.

The British Empire would be in a similar predicament, for it would need petroleum, cotton, mercury, antimony, potash, phosphates, and sulphur from foreign sources—7 of the 22 materials. Germany would lack some 18 of the 22; Italy would lack 15; Japan 14. Russia would be in the class of the United States and Britain, for she would lack only 6, on Mr. Emeny's estimate.

It is interesting to note that France, though the second greatest colonial power on the basis of the area of her possessions, nevertheless would lack 14 of the 22 raw materials if deprived of sources outside her territory. Thus France, in spite of her vast colonial domain, is in a class with Japan, Italy, and Germany as regards her resources in raw materials. Consequently, if the need of raw materials justifies colonial claims, France would have about as good a case for additional colonies as the three discontented and colony-seeking powers.

#### UNITED STATES AND BRITAIN

Students of the question are invariably impressed by the oddly complementary character of the British and American wealth in raw materials. Britain produces within her empire less than 2 percent of the world's output of petroleum and must import more than nine-tenths of her oil, but the United States produced last year 58 percent of all the oil of the world and is more than adequately supplied. Britain, though her empire with Egypt produces about one-fourth of the world's cotton, is inadequately supplied as to variety; but America produces about half the world's cotton, including the type Manchester uses most. The British Empire grows very little corn (maize), but the United States grows about 55 percent of the output of the world.

On the other hand, the United States produces no rubber, but British territories produce some 58 percent of the world's output of it. The United States has very little nickel, but the British Empire (chiefly Canada) produces 94 per cent of the world production. In wheat output the British Empire is far ahead of America; it produces about half the world's wool and 99 percent of its jute.

Pointing out that between them the British Empire and the United States produce about two-thirds of all the minerals the world consumes, Sir Thomas Holland concludes that they are the only two nations that could fight for long on their own natural resources. Thus they are well equipped for war or for preventing war. If they should unite in refusing mineral products to countries that violate the Kellogg Pact by making war, "no war can last very long," says Sir Thomas.

As Mr. Emeny puts it, speaking not only of minerals but of all essential raw materials: "The United States and the British Empire—and to a lesser extent Russia—are outstanding in potential wartime self-sufficiency. It should be noted that in the case of all commodities, with the single exception of antimony, the domains of the United States and imperial Britain form together a perfect unity in supply."

"The richest raw material regions of the world are in great part under the dominance of the Anglo-American powers. These two national groups, which account for over 60 percent of the world's industrial output and exercise financial or sovereign control over 75 percent of the mineral resources, hold the balance of power so far as the essential commodities of peace and war are concerned."

This dominance does not please but rather irritates the crowded nations which seek colonies, and Britons and Americans recognize that there are advantages in political control of raw materials. For example, it makes possible restriction of output and control of prices.

#### ADVANTAGES DIVIDED

America has the advantage over Britain and her raw materials are assembled on one compact continent, while Britain's are scattered over the earth and are available to Britain only so long as she controls the seas.

It is the peacetime availability of raw materials which the British have offered to discuss and to facilitate. Their availability in wartime is quite a different question. The dream of the Nazis and the Italian Fascists of making their countries self-sufficient in both peace and war is obviously fantastic—short of world conquest.

Mr. COPELAND. Mr. President, we had before the Appropriations Committee and the Naval Affairs Committee last year and this year the question of raw materials. To me it was most gratifying to find that a governmental body has in the short time of 2 years brought together a dozen reports like the large volume which I hold in my hand, showing the resources of the Government and the possibilities of our country. The National Resources Committee has had a program to provide for the systematic development of our water resources for the purposes of sanitation, power, industrial uses, transportation, recreation, domestic consumption, and other collateral uses on a far higher level than ever before. It has studied the question of flood control. It proposes to reduce the heavy losses of soil caused by uncontrolled erosion.

No better argument is needed for the board than the magnificent speech made yesterday by the Senator from Minnesota [Mr. SHIPSTEAD]. If before yesterday I had known



nothing about what this board had done, I would have been amply enlightened by the speech he made, with his diagrams, rather diagrammatic in some respects, which did more to enlighten the Senate on the possibilities of the preservation of the soil than any other Senator has done, and I say that without disrespect to others. He said throughout his speech that the material he was presenting had been obtained from the national resources board.

He pointed out the progressive loss of the topsoil and the ultimate destruction of the fertility of our country by soil erosion. There is a great problem which someone must study and to which must be given a great deal of thought from now on.

The commission had a human side to its work. Of course, I am frank to say that I interpret the words "natural resources" to include the relation of our physical surroundings to human needs and to scientific methods of making our resources more useful to our people. The National Resources Committee, I am informed, is now engaged in studies of "stranded" populations where abandoned mines have left miners without occupations. They are working on scientific inventions which may affect our use of natural resources or change our methods of conservation and development of those resources. These related activities should be continued.

There should be the continued assembling of basic data as regards the matter, and provision for continuation of long-range planning, of land, water, and mineral resources. It means much to the various States. It means much to my native State of Michigan. It means much to my adopted State of New York and its forest resources.

There are tremendous responsibilities resting upon an organization of this character, the possibility of making contributions to the welfare of our people, not for next week or next month but for next year and for the years to come, and to benefit generations yet unborn. That is the reason why I asked the Senator from Wyoming [Mr. O'MAHONEY] if it means simply the graveyard and an end of the project. The Senator has assured me that such would not be the case.

Now to reply to the Senator from Michigan [Mr. VANDENBERG]. It is true, as stated by the Senator from Missouri [Mr. CLARK], that this particular matter had no hearing before the full committee. There was a very full hearing before a subcommittee on a bill which is now upon the calendar. We spent a long time listening to Mr. Delano and other members of the Board and to Secretary Ickes, but the full committee had the benefit of those hearings. The Senator from California [Mr. JOHNSON] and I were there several hours. It must be admitted that the vote of the committee to report the bill was very close. It was really swamped, except for the vote of the chairman.

Mr. President, I think the Senate is in no mood to go forward with this matter. I do not want to break the heart of my friend from Arizona [Mr. HAYDEN], but his heart and mine will be broken in the same way if we do not get this proposal through in some form. Let me ask the Senator from Arizona if he thinks we had better make a battle for it now?

Mr. HAYDEN. Mr. President, the Senator from New York is as good a judge of the present sentiment of the Senate as anyone who could be found to pronounce judgment on what should now be done. Under the circumstances, if he feels that there are not votes enough available to have the amendment adopted, I think it would be an advantage to have the Public Lands Committee promptly consider the entire question. The Committee on Public Lands and Surveys would have before it, under the motion made by the Senator from Wyoming, only the text of the proposed amendment, but not in a form upon which any action could be taken. If there is to be something before the committee upon which it can act, it would seem to me to be the part of wisdom to recommit Senate bill 2825, now upon the calendar, to the Committee on Public Lands and Surveys.

Mr. O'MAHONEY. Mr. President, I will accept an amendment to that effect to my amendment.

Mr. COPELAND. Also, that the Committee on Commerce be invited to transmit to the Committee on Public Lands and Surveys the record of the hearings which our committee had on the subject.

Mr. O'MAHONEY. Very well.

Mr. HAYDEN. I ask unanimous consent that Senate bill 2825, Calendar No. 1020, be recommitted to the Committee on Public Lands and Surveys.

The PRESIDING OFFICER. Is there objection?

Mr. AUSTIN. Mr. President, reserving the right to object, I wish to understand just what the request is. I ask the Senator from Arizona if that bill is similar to committee amendment no. 6?

Mr. COPELAND. Yes.

Mr. HAYDEN. Committee amendment no. 6, otherwise known as title II, consists of the text of the bill, introduced by the Senator from New York [Mr. COPELAND], to provide for the establishment of a national planning board, with certain modifications made by the Senate Committee on Commerce.

Mr. AUSTIN. Does the bill create a board whose function is predominantly political as this amendment does?

Mr. HAYDEN. I have not considered either the amendment or the bill to be of a political nature except in the broad sense of that term.

Mr. COPELAND. Mr. President, if the Senator will bear with me—

Mr. AUSTIN. Let us not get away from the intent of the question. I am not talking about politics; I am talking about administrative and legislative policy. As I interpret amendment no. 6, the predominant function of this board would be to make investigations for the purpose of advising the Chief Executive and the Congress regarding the policy that should be pursued in legislation. Is that the purpose of the bill?

Mr. HAYDEN. The bill and the amendment cover the same field in practically the same way. My proposal is to recommit the bill S. 2825 to the Committee on Public Lands and Surveys. It has been upon the Senate Calendar without action for about a year.

Mr. AUSTIN. Very well, Mr. President; I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

Mr. COPELAND. Mr. President, I think now we are all through the bill. I ask unanimous consent to withdraw amendment no. 6, which is title II, and which we have just discussed.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Chair is of the opinion, and is so advised by the parliamentary clerk, that there still remains the passage of the bill as such. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### REGULATION OF COMMODITY EXCHANGES

Mr. ROBINSON. Mr. President, I move that the Senate proceed to the consideration of House bill 6772, Calendar No. 1489, known as the commodity exchange bill. I will state that if the motion is agreed to, it is my purpose to move a recess until Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 6772) to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments.

PRINTING OF COURT OPINION ON CONSTITUTIONALITY OF EMERGENCY RELIEF APPROPRIATION ACT, 1935 (S. DOC. NO. 242)

Mr. HAYDEN. From the Committee on Printing I report back favorably, without amendment, Senate Resolution 302, and ask unanimous consent for its immediate consideration.



The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 302) submitted by Mr. STEIWER on yesterday, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the opinion of the United States Court of Appeals for the District of Columbia, no. 6619, in the case of the Township of Franklin, etc., et al., appellants, against Rexford G. Tugwell, Administrator, Resettlement Administration, et al., appellees, involving the constitutionality of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, as abridging the reserved rights of the States, be printed as a document, and that 1,000 additional copies be printed for the use of the Senate document room.

#### HERNANDO DE SOTO'S EXPEDITION

Mr. BARKLEY. From the Committee on the Library, I report back favorably, without amendment, House bill 11747 and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 11747) extending the time for making the report of the commission to study the subject of Hernando De Soto's Expedition, which was ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the commission to study the subject of Hernando De Soto's Expedition, appointed pursuant to the joint resolution entitled "Joint resolution pertaining to an appropriate celebration of the four hundredth anniversary of the expedition of Hernando De Soto", approved August 26, 1935, may make its report to Congress on or before January 2, 1939.

#### FEDERAL HOUSING ADMINISTRATION ACTIVITIES

Mr. KING. Mr. President, I have had prepared a statement concerning the activities of the Federal Housing Administration, one of the agencies of the Government which has done and is doing a splendid work for the entire country. I ask permission to have the statement printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

#### FEDERAL HOUSING ADMINISTRATION ACTIVITIES

For the past 2 years the Federal Housing Administration has served as a powerful and growing force for recovery in the building and allied industries. Through that agency, at a minimum of expense to the Federal Government, idle men, idle plants, and idle capital have been put to work on a vast scale throughout the Nation, serving the owners of homes and other properties.

Business transacted through the Federal Housing Administration plan is in excess of \$800,000,000. By the middle of the summer it will cross the billion-dollar mark. Let me emphasize, gentlemen, this is all private capital—all private money. The Federal Housing Administration lends no money, it insures private lending institutions against loss.

Under the modernization credit-insurance plan established under the National Housing Act of June 27, 1934, more than 1,000,000 properties have been improved with the proceeds of insured loans which, by April 30 of this year, amounted to more than \$365,000,000. These loans of private capital have been made by over 6,000 banks and other financial institutions.

Over and above these results, an immense volume of modernization and repair work has gone ahead on a cash basis or has been financed in other ways, bringing the total volume of modernization and repair work generated to more than \$1,500,000,000. This large total has been built up through the activities of some 7,000 local better-housing committees and related agencies, cooperating with the Federal Housing Administration and covering most of the cities and towns in the United States. In the main, their programs have been carried on by voluntary workers, who have thus contributed their time, energy, and money in the interest of recovery.

Altogether, many thousands of business firms, and millions of wage earners, have profited. The recovery evident during the past 18 months in practically all lines of industry related to housing indicates that the modernization credit plan of the Federal Housing Administration has acted as a substantial force.

The impetus gained as a result of this emergency measure is being enlarged and carried forward by increased home-building activity, which was given a start and has been greatly accelerated by the timely inception of the mutual mortgage insurance plan of the Federal Housing Administration. New residential building commenced during the first quarter of 1936 was substantially greater, as indicated by building permits, than during the first quarters of the three preceding years combined.

This revival of home-building construction has resulted in the rapid reemployment of building-trades workers, to such an extent that in many areas there are no idle skilled craftsmen available.

The Federal Housing Administration's contribution to this revival represents a phase of the great movement which is leading to reestablish home-mortgage lending on a new and sounder basis. In this movement it has obtained the cooperation of 47 States, which have enacted necessary enabling legislation, and of more than 8,000 lending institutions, which have been approved as mortgagees under the plan.

Although the single insured mortgage system came into active operation only a little more than a year ago, owing to the time required for enactment of the State laws just mentioned, more than 64,000 mortgages with a principal value of \$260,000,000 have been accepted for insurance. Far more significant than this total are the indirect effects.

The mutual mortgage insurance plan makes amortized mortgages up to 80 percent of the value, and for terms up to 20 years, available to borrowers whose property and whose income fairly warrant such obligations. It has also given long-term, amortized home mortgages a form and standing that makes them most desirable as investments for banks and the leading types of thrift institutions.

Among the achievements of this new device may be listed:

The firm and universal establishment of the long-term, monthly amortized mortgage in the home mortgage lending practice of the Nation.

The free flow of mortgage money from centers of supply into communities where funds are normally scarce.

The reduction in mortgage financing charges for large sections of the country due to the uniform interest rate established by the Administration.

Improvement in construction practices influenced by standardized appraisal methods based on minimum property standards.

Increased safety to both the home buyer and the mortgage lender throughout the life of the mortgage as a result of the insurance protection and the safeguards attending it.

The insured single mortgage stands as the one active safeguard which may be used to discourage the revival of the vicious type of second mortgage, which, with its high charges and inflated values, was in large measure responsible for the great number of foreclosures during the recent depression. The new system, with its emphasis on sound appraisals and careful investigation of the borrower's capacity to pay, makes for sound lending at the same time that it is assuring ample credit for the healthy revival of home building, which is the greatest single force making for continued and rapid recovery.

All in all, the mutual mortgage insurance program in most districts of the country, has made home-mortgage money, which has been frozen almost solid for several years, generally available to home owners on the most attractive terms in the history of the Nation.

The application of the mutual mortgage insurance plan to large-scale housing projects is not spectacular in its approach, but it does carry a fine promise of effecting a real revolution in the field. The financing of apartments and other rental quarters, as has been shown again and again, by investigations in the District of Columbia and elsewhere, has commonly involved abuses of the gravest character. These abuses have led to the fleeing of investors, incompetent planning and poor quality of construction, and high rentals for the poor quarters provided for the tenants. Such conditions have discouraged the entrance of conservative capital, except up to a relatively small percentage of appraised values, and appraisal practices have all too often been lax.

Several large-scale projects in different parts of the country, financed with insured mortgages, have already been completed or are under construction, and the financial arrangements for several others, involving a total cost of approximately \$25,000,000 have been determined recently. Many more are under consideration, a substantial number of which probably will be approved, and new applications are being received from day to day. In all these projects there is emphasis upon sound planning and financing, and upon efficient management, all of which are subject to competent review in connection with the mortgage insurance. Limitation of return on the capital investment is also a feature.

Thus the insurance of mortgages on large-scale housing projects in bringing capital in accordance with sound practice into a field that in the past has been left too largely to a hit-or-miss type of speculative development.

It is not surprising to find that the activities of the Federal Housing Administration have received the most whole-hearted endorsement from groups having widely varying interests. For example, a report approved by the Chamber of Commerce of the United States at its latest annual meeting stated:

"The elimination of the second mortgage by the mutual insurance of first mortgages up to 80 percent of the value of the property is an experiment which is worthy of further trial. Accompanied as it is with the assumption of a contingent liability on the part of the Government, there are reasons to believe that this experiment will become an increasingly important factor in the next 2 years in the recovery of small-house construction. The plan definitely reduces the costs of home ownership to the consumer or purchaser who is not in a position to make a down payment of more than 20 percent; that is, to the buyer who ordinarily would need a second mortgage in order to acquire a home. Since second-mortgage financing facilities are not at present generally available the plan provides an immediate means of obtaining such funds as a part of a single mortgage."



Again, the president of the American Bankers Association, Mr. Robert V. Fleming, stated to a group of bankers:

"I desire to call your attention to first-mortgage amortized loans on real estate which can be made under the provisions of title II of the National Housing Act. This type of loan is particularly desirable as there is no industry which can do more to stimulate employment and help in the stability of the country than the construction of homes. Furthermore, title II loans assist in making unimproved real estate liquid, thus supplying an additional purchasing power. I believe the campaign of education which is being carried on in connection with the provisions of the National Housing Act, as to the principles of amortization and standardization of appraisals, will be most helpful."

A prominent building and loan association official stated: "The Federal Housing Administration loan is really the 1935 model of the building and loan mortgage. \* \* \* Our association is well satisfied with the reception of the Federal Housing Administration insured-mortgage plan by the prospective borrowers. We intend to make just as many loans on this plan as our funds will permit. Our association is quite willing to make loans on the 20-year plan, backed up by the Federal insurance, giving further protection to the investments of its savings shareholders."

Mr. William Green, president of the American Federation of Labor, in a message addressed "to the men and women of labor", has stated:

"The American Federation of Labor, ever anxious to provide employment for the workers and to improve the conditions under which they and their dependents live and labor, unequivocally endorsed the program of the Federal Housing Administration in its recent convention in San Francisco."

"The Federal Housing Administration has now made effective those provisions of the National Housing Act under which loans for new construction and the purchase of existing homes may be insured, thereby making possible the freeing of billions of money so long withheld from the building industry on terms fair to the borrower and safe to the lender, and opening the door of employment to millions long idle."

"In conformity with the action of the San Francisco convention, I now urge all of our people to get squarely behind the Federal Housing Administration and the building trades in their efforts to revive building and to provide better and healthier housing under these provisions of the National Housing Act."

"The ramifications of the better-housing program are almost infinite. Directly the millions employed in building and in the production and transportation of building materials will benefit. Indirectly those normally engaged in the production and sale of all types of goods and in services will benefit."

"The building dollar is a busy dollar. It is not 'hidden in a bush' or buried in a vault. From the pay envelope it speedily finds its way into the purchase of clothing, of food, of the one thousand and one things and services we all require or wish in our daily lives. In turn it makes it possible for those producing, transporting, and selling these goods and services to satisfy their own wants and needs and give employment to others."

#### EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. DUFFY in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF A COMMITTEE

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

#### BOARD OF TAX APPEALS—SAMUEL B. HILL

The legislative clerk read the nomination of SAMUEL B. HILL, of Washington, to be a member of the Board of Tax Appeals for a term of 12 years from June 2, 1936.

Mr. SCHWELLENBACH. Mr. President, I desire very briefly to say that the President has sent to the Senate the nomination as a member of the Board of Tax Appeals of SAMUEL B. HILL, who has been a Member of the House of Representatives for many years.

Mr. HILL is recognized, not only in the House but in this body, as one of the most energetic, brilliant, and sincere

Members of the Congress of the United States. On behalf of my colleague [Mr. BONE] and myself, I ask the Senate to confirm the nomination.

Mr. ROBINSON. Mr. President, I should like to add to what has been said by the Senator from Washington [Mr. SCHWELLENBACH] that this appointee to the Board of Tax Appeals is generally regarded as one of the best-informed authorities in the United States on questions pertaining to taxation.

Mr. COUZENS. Mr. President, I wish to endorse what has been said by the Senator from Washington and the Senator from Arkansas with respect to Mr. HILL, with whom I have served as a conferee on tax and tariff matters.

Mr. KING. Mr. President, the chairman of the Committee on Finance, the Senator from Mississippi [Mr. HARRISON], is absent. As the ranking member of the committee, I take this opportunity of saying a few words in behalf of Mr. HILL. I know that the chairman of the committee, if he were present, would heartily endorse the nomination.

I have known Mr. HILL for many years. I have been a member of the Finance Committee, and he has been a member of the Committee on Ways and Means of the House. He is one of the outstanding figures in Congress; and I know no man in public life who is better equipped than is Mr. HILL to discharge the duties of the important position to which he has been nominated.

Mr. BONE. Mr. President, my colleague [Mr. SCHWELLENBACH] has very generously spoken my own attitude of mind toward the able Member of the House from my own State. I am voicing not only my own regret but, I think, the regret of the great mass of the people of the State of Washington in seeing Judge HILL pass from the House as one of its able and outstanding Members. I feel that the State of Washington has lost a very valuable Representative in Congress.

The PRESIDING OFFICER. Without objection, the nomination of Mr. HILL to be a member of the Board of Tax Appeals is unanimously confirmed.

#### DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Stuart Allen, of Minnesota, to be a secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Harold M. Collins, of Virginia, to be a secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the calendar.

#### RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until Monday, May 25, 1936, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate May 21  
(legislative day of May 12), 1936*

#### RURAL ELECTRIFICATION ADMINISTRATION

Morris L. Cooke, of Pennsylvania, to be Administrator of the Rural Electrification Administration for a term of 10 years, pursuant to the act of Congress approved May 20, 1936.



## REGISTER OF THE LAND OFFICE

William Riddell, of Montana, to be register of the land office at Billings, Mont., vice Harry W. Hill, term expired.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate May 21 (legislative day of May 12), 1936*

## BOARD OF TAX APPEALS

SAMUEL B. HILL to be a member of the Board of Tax Appeals.

## DIPLOMATIC AND FOREIGN SERVICE

Stuart Allen to be a secretary in the Diplomatic Service.  
Harold M. Collins to be a secretary in the Diplomatic Service.

## POSTMASTERS

## NEW YORK

Wilmarth J. Tuthill, Goshen.

## NORTH DAKOTA

Eureka H. McDougall, Cleveland.  
Lloyd Lopic, Lankin.

## PENNSYLVANIA

Norman B. Gregory, East Stroudsburg.  
Christian A. Jansen, Essington.  
Charles C. Bernd, Red Hill.

## TENNESSEE

George N. Fuller, Collegedale.  
John O. Bennett, Troy.

## TEXAS

Louise W. Fisher, Burton.  
Andrew F. Hester, Donna.  
Arthur B. Hobbs, Edgewood.  
John Richard Folkes, Giddings.  
Norman Charles Schlemmer, Kyle.  
Andrew B. Johnson, Marlin.  
Rudolph J. Marak, West.

## VERMONT

Alice G. Sheehan, North Troy.  
James P. Gilfeather, West Rutland.

## HOUSE OF REPRESENTATIVES

THURSDAY, MAY 21, 1936

The House met at 12 o'clock meridian.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful Lord and our God, we are glad of life because it gives us the joyous privilege of loving, of working, of playing, and of looking up at the heavens, which declare the glory of our All-Father. We pray Thee to let us feel that there is in the heart of the Almighty One a place for every human experience and for every wandering, wavering, and unstable child of earth. Do Thou pour Thy redemptive energy into the hearts of men; quicken their intelligence, deepen their understanding, and stimulate their habits. As we go forth to duty, let our hearts know no fear but that of wrongdoing and our minds no anxiety but an earnest desire to toil faithfully for the good of our country. Through Christ our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

## COLLECTION OF REVENUE ON INTOXICATING LIQUORS

Mr. SNELL. Mr. Speaker, the Chair yesterday, on the bill H. R. 9185, appointed on the minority side as conferees Mr. TREADWAY and Mr. CROWTHER. The gentleman from Massachusetts [Mr. TREADWAY] is obliged to be out of the city on important business, and he requested me to suggest to the Chair that the gentleman from Ohio [Mr. JENKINS] be appointed as a conferee on the minority side.

The SPEAKER. Without objection, the resignation of the gentleman from Massachusetts [Mr. TREADWAY] will be accepted, and the Chair will appoint the gentleman from Ohio [Mr. JENKINS] as conferee on the minority. The Clerk will notify the Senate thereof.

THE UNITED STATES CONSTITUTION—IT CANNOT SAFELY BE SUPERSEDED, AVOIDED, OR DISREGARDED

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address which I delivered before the Vermont Association in Boston on February 8, 1936.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. Mr. Speaker, under leave granted to extend my remarks in the RECORD I include the following address which I delivered before the Vermont Association in Boston February 8, 1936:

(NOTE.—In the matter of change the people must be consulted. The Constitution should not be changed by the Supreme Court. It should not be changed in Washington. The people made it. They and they alone can unmake it. They can create; so also they can destroy; but I insist that the creation, the destruction, or the alteration must be the work of the people. It must be an expression of the will of a steadfast and decisive majority which has had ample time for full consideration of all that the destruction or alteration or amendment does involve.)

Responsibilities are privileges. It is a tremendous responsibility that rests on the shoulders of the American people and their representatives—this job of making the world safe for democracy. The fundamental article in the creed of American democracy, call it the fundamental dogma if you like, is the unchanging and unchangeable resolve that every human being, every individual shall have his opportunity for his utmost development—his chance to become and to do the best he can. Democracy is not only a system of government—it is a scheme of society.

Upon those of us who comprehend just the beginnings of all that democracy stands for, and may mean, rests the responsibility of bringing our neighbors to a realizing sense of the blessings that are theirs and an appreciation of the fact that there are commensurate responsibilities for each one to assume.

"Liberty," said President McKinley, "is responsibility, and responsibility is duty; and that duty is to preserve the exceptional liberty we enjoy within the law and for the law and by the law. God grants liberty only to those who love it and are always ready to guard and defend it."

Responsibilities? Yes, but they are not burdens! They are privileges to be enjoyed with a deep sense of satisfaction and appreciation of what it means to be and to exercise the prerogatives of an American citizen. We count our blessings too lightly, underestimate the value of our citizenship, and take too much for granted.

St. Paul said he was a citizen of no mean country. The Romans challenged the world with the slogan, "I am a Roman." What then should be the attitude and state of mind of every American when he takes time to consider the vastness of the domains, the type and multitudes of peoples, and the wealth of all kinds over which fly the Stars and Stripes of his country today. To no man or woman in the long history of mankind and the story of the world conquest in the rise and fall of nations has it ever meant so much as it now means to you and me to be able to say, "This is my own, my native land."

The greatest problem of the day and generation in which you and I live, the greatest question that confronts us, or has confronted us for some time, perhaps since slavery; the question before which all others shrink into insignificance is this: What shall we do with the indifferent citizen? Or to put it another way: What will the indifferent citizen do to the Republic? America has settled some tremendous questions, but as she settles this one, right or wrong, so shall the future of the American Republic be determined, so shall it stand or fall.

"These are altogether extraordinary years," says Mr. Martin, "years of preparation for a new era toward which we grope more or less in the dark. We do not know what it will require of us. We do know out of our experience that we should go armed to meet it, but armed not so much with martial weapons, though they may still be needed, as with faith in humanity, consecration on our report to the cause of all mankind. We are working in these days partly, no doubt, to save our own skins, but chiefly for posterity. The world that is in the making now is the world of generations to come. Those of us whose years are fairly full will be lucky if we see even the beginning of it. How long it will take to get it going is guesswork, but we think that if we do not dissipate it all the little children of our day have a prospect of coming into a great inheritance.

So, ladies and gentlemen, fellow Vermonters, and friends, here in that cradle of American liberty eternally made unforgettable by Lexington and Bunker Hill and Faneuil Hall, in the time that is left me I propose as a Vermonter and an American citizen vitally interested in the welfare of my State and country and its people, concerned with respect to the record of accomplishment our generation shall leave for posterity to ponder, impressed with the



thought so aptly expressed by Homer that "He serves me most who serves his country best"; conscious of the responsibility that rests on us to make the most of our opportunities and to do the best we can in no partisan spirit (although it is true that he serves his party best who serves his country best), but with all the seriousness and power I can command I propose to direct your attention to the heritage that is ours, to your ideals as true Americans, to the end that we may renew our faith in the fundamental principles of American Government, recognize our duties and obligations to ourselves and our Nation, and show the respect that is overdue to those who gave our Nation its very life.

Probably the wisest group of men who have gathered in modern times met in the Constitutional Convention that drafted the Constitution of the United States. They knew their times. They knew the history of the era upon which the times were founded. They knew their country and dictatorship, with which they were altogether too familiar; and on the other to protect themselves against anarchy and a disorderly government, thus to secure the blessings of liberty for themselves and their posterity.

Over and over again they wrote into their fundamental laws and declarations, as did our Vermont forbears, the challenging statement that frequent recurrence to fundamental principles, a strict adherence to justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the blessings of liberty and keep government free. The checks and balances they made a part of the governmental structure they erected, if observed and followed, will continue to guarantee the perpetuity of the Nation they created and will preserve the safety of the countless millions who now and in the days to come shall seek and be entitled to the protection it affords.

I am not an alarmist, but I am concerned that the permanency of our national life and its integrity are involved in some of the governmental policies we are asked to countenance and approve. I am sure that the preservation of our liberties and the perpetuity of our form of government is the tremendous stake at issue, and which must be met. The questions confronting us are too momentous and serious to be the football of partisan politics. They transcend all questions of tariff or trade agreements; strike at the very root of all our American institutions. They are steps toward a change in our form of government. Do not minimize or forget it. This is the issue involved. The vibrant issues of the present, whatever they may be, can be faced to better advantage by us if we have, in good faith, studied how the people of the Nation and their chosen leaders faced the so-called dead issues of the past.

Those wise men, the makers of our Constitution, called their new government a republic, and were correct in so doing, for such, of necessity, was its form. Let us not forget for a moment, however, that they knew they were establishing a democracy and an independent nation. This fact was constantly and everlastingly present in their minds.

If you will study the Constitution and the debates which led up to its adoption, you will find that these forefathers of ours did not attempt to set any barrier in the way of the popular will. They sought to and did put effective obstacles in the path of sudden action impelled by popular passion, whim, or the excitement of the moment.

Every end they sought to accomplish or had in view was for the establishment of a democracy with a strong government, but of paramount importance was that it must be safe as well as strong—freed from the peril of lapsing into autocracy on the one hand or into disorder or anarchy on the other. They came here to undertake to do just what they did, and that was to establish a government in which the will of the people must be supreme. They made it so.

One of the fundamental rules and guides they followed was to make sure that it was the real will of the people that ruled. To this end they undertook to make it certain that there should be abundant time for discussion and consideration of measures, means, and policies in order that the public mind could and should be thoroughly and well informed.

Of course, we must idealize the real if we would realize the ideal, but facts must be faced as facts. We may well keep our wagon hitched to a star, but we must keep our feet on the ground. The times call for practical men; practical ideas.

Times change and conditions with them. New times and new conditions must be met by and with the action and legislation they demand. As all wisdom did not die with our forefathers, so also it is true all wisdom was not born yesterday. Yet not a single new question arises but involves some one or more of the oldest theories of government. History repeats itself, and the experience of the ages is always a safe guide.

It has been well said that never before in the history of our country has it been so necessary for every citizen to exercise intelligently the rights of citizenship. Our country is faced with a crisis more serious than any depression; by a question more basic than unemployment, prices, or heavy debts. The continuance or the discontinuance of the freedom we have enjoyed, the loss of liberties that are ours, the abolition of the traditional American order, the absolute change in form of our established Government under our written Constitution and our laws is the issue that confronts us.

The next time we as citizens cast our votes in a national election we shall be voting not for a man, not for a party, not for a remedy nor any group of remedies, but for or against the American form of government. The sooner we realize this the better it will be for all concerned.

We shall have to decide whether our political procedure is to rest upon a basis of democracy or dictatorship; whether our economic order is to rest upon private enterprise or political management; upon a basis of broadly balanced powers or of highly centralized bureaucracy.

It has been aptly stated that no price we may be called upon to pay to prevent the death of democracy will be too high a price, for with all its weaknesses, which are admittedly many and manifest, democracy is, in the long run, both safer than and superior to a socialistic or communistic state or to dictatorship. We should think twice before we follow the lead of Soviet Russia, Fascist Italy, and Nazi Germany. They have made no progress comparable with that which we have accomplished. Centralization of authority in the government never has been durable and never will be. Let us make no mistake. The charter of our Government has not been invalidated by the changed circumstances the years have brought. Grounded on sound principles of government, it may be adapted to changing circumstances but cannot safely be superseded, avoided, evaded, or disregarded. In it is found the result of mankind's attempt to find a workable compromise that will keep power centralized enough to achieve efficiency without tyranny and keep power decentralized enough to achieve freedom without anarchy.

It is a far cry back to the days of the Plymouth Colony, and Jamestown, but the fundamentals have not changed; fads and fancies have danced their little day on the stage and made their exit into oblivion. The realities remain. The early settlers of America bequeathed to their descendants certain institutions, customs, manners, and opinions which are essential to and have contributed most successfully to the permanency of our democratic form of government.

De Tocqueville says that when he contemplates and reflects upon the consequences of their primary acts he "sees the destiny of America embodied in the first Puritan who landed on these shores." These hardy pioneers out of their experience proclaimed principles undoubtedly scorned, rather than unknown, by the nations of Europe, which were and have been accepted as the creed of a great people.

Whatever history may teach with respect to the beneficent effects of paternalism and centralization in other countries and under other forms of government, we of the United States of America must oppose the further extension of both; must rely for the perpetuity of our institutions upon the functioning of the local governmental unit, for if experience teaches us anything, we must already have learned that John Fiske spoke truly when he said that "the preservation of local self-government is of the highest importance for the maintenance of a rich and powerful national life."

The centralization tendencies in government, ever growing more pronounced, have fastened their tentacles around the surviving representative of the most nearly perfect democracy ever created. The paternalistic state is cooperating to help strangle its child. The question which confronts you and me is, Shall we stand idly by as accessories both before and after the crime?

During recent years there has grown up a theory wholly at war with American principles of constitutional government, and that theory is: When an emergency exists, or when Congress and the President declare an emergency to exist, this in some way enlarges the power of the Congress and the Executive under the Constitution. It is further contended that the courts are justified under such circumstances to consider matters other than the terms of the Constitution itself. This theory has been argued and urged in several cases, but the Supreme Court has held that it was bound by the terms of the Constitution. It has declared again and again, in effect, that it would sustain in the fullest measure all powers which the people had written into the Constitution, but the Court has repeatedly declared that it did not feel justified in wholly disregarding the language of the Constitution. A decision of the Court based upon the theory that the Court could consider anything other than the terms of the Constitution itself would create a complete judicial oligarchy. It would leave the question of the extent of power to the determination of those exercising power—a complete definition of despotic power.

In rejecting the doctrine that an emergency justifies a disregard of the plain terms of the Constitution, the Supreme Court announces no new doctrine. Sixty-nine years ago a man, a civilian, as you and I, was tried by military court and sentenced to death. He appealed to the Supreme Court, claiming that under the Constitution he was entitled to be tried by a jury. The argument was made that the great Civil War was an emergency of such a nature that the Court would be justified in disregarding the provisions of the Constitution which guarantees the right of trial by jury. The Court rejected this vicious doctrine, saying: "No doctrine involving more pernicious consequences was ever invented by man than that any of its provisions (the Constitution) can be suspended during any of the great exigencies of the Government. Such a doctrine leads directly to anarchy or despotism."

If any such power is to be given the Court or to the Congress or to the Executive, let those who urge that such powers be given, come forward with a proposal in the way of an amendment to the Constitution. A change of this stupendous moment should not be made by the Court through strained and unnatural construction, or by the Congress through disregard of its constitutional obligations.

In the matter of the change the people must be consulted. The Constitution should not be changed by the Supreme Court. It



should not be changed in Washington. It should be changed by the people alone. You and I, our family, our friends—we, the people—in this country of ours are more important than our instrument, Government. Government should be made to serve us rather than dominate us. The State, which is man's own creation, exists for the sake of us, of our people, rather than as some would have us believe, that we exist for the sake of the State.

The people made the Constitution, the people can unmake it if they so see fit; they can create, so also they can destroy, but I insist that the creation, the destruction, or the alteration must be the work of the people. It must be an expression of the will of a steadfast and decisive majority which has had ample time for full consideration of all that the destruction or alteration or amendment does involve.

If all the checks and balances, all the carefully devised safeguards to protect us are to be swept away, disregarded, discarded, or suspended by dictatorial decree or nonobservance, or lack of respect, then we need no Constitution at all!—This instrument acclaimed "the greatest charter of liberty ever drawn."

We need to wake up! And we may as well be told first as last that our lives, our liberties, and our property are at stake, and upon us rests the responsibility for the final decision with respect to what we shall do to protect them all.

Constitutional government moves too slowly to suit some people who wish to convert it into an instrument for the quick satisfaction of their own desires, or to attempt to legalize operations which may be either beneficial or harmful to the people. This subject of the liberty which was granted to us under the Constitution, is one which whatever people may say is not to be treated lightly. The Constitution is a declaration of principles, not to be altered by the whim of a moment or suspended or circumvented by executive, bureaucratic, judicial, or legislative act. Any other attitude with respect to the Constitution of the United States may and will lead to nothing less than a complete revolution in our system of government.

President George Washington, in his Farewell Address, said: "If, in the opinion of the people, the distribution or modification of the constitutional power be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield."

You cannot make me believe that when they see where they are headed even the stress of economic necessity or any alleged emergency will ever induce the American people to consider any proposal insidiously designed eventually to destroy completely the American form of government.

As a Vermonter, speaking to Vermonters, I do not need to reassert that all governments derive their just powers from the consent of the governed; that sovereignty resides in the people; how well we Vermonters know that governmental power originates in the people, and a government, therefore, can have and exercise only such powers as the people yield.

So, beside the question of the maintenance or destruction of the Constitution of the United States, all other questions of law and policies sink into utter insignificance. In its presence party lines should disappear, all sectional differences melt away like the early mists of dawn before the rising sun. The Constitution is our fundamental law. Upon its provisions rests the entire fabric of our institutions. It has disappointed the expectation of those who opposed it, convinced those who doubted, and won a success beyond the most glowing hopes of those who put their faith in it.

Whatever the adventures we undertake, the goals we seek to reach, we are trustees for the future of America, and in our responsibility we must not fail. We have an inheritance to safeguard, to transmit; a system of ordered liberty in which statutes and theories of social experimenters must yield to the Constitution, in which the people are governed by law and not by man, and in which human rights are deemed to be sacred and inalienable. Many free countries have lost their liberty, and ours may lose hers, but, if she shall, let us as Vermonters join together in spirit with Lincoln when he says: "Let it be my proudest plume, not that I was the last to desert, but that I never deserted her."

#### VOCATIONAL EDUCATION

Mr. GREENWOOD, from the Committee on Rules, by direction of that committee, presented the following privileged resolution, which was referred to the House Calendar and ordered printed:

#### House Resolution 520

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12120, a bill to provide for the further development of vocational education in the several States and Territories, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amend-

ment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

#### BONDED INDEBTEDNESS, MUNICIPAL CORPORATIONS, ALASKA

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8766, an act to authorize municipal corporations in the Territory of Alaska, to incur bonded indebtedness, and for other purposes, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out all after "authorized" down to and including "not" in line 8, and insert "to construct, improve, extend, better, repair, reconstruct, or acquire public works of a permanent character and to incur bonded indebtedness and issue negotiable bonds for any or all of such purposes: *Provided, however*, That no municipal corporation shall incur a bonded indebtedness or issue its negotiable bonds under this act to an amount which, including existing bonded indebtedness shall."

Page 1, line 10, strike out all after "municipal" down to and including "Territory" in line 2, page 2, and insert "corporation. Such public work shall include but not be limited to streets, bridges, wharves and harbor facilities, sewers and sewage-disposal plants, municipal buildings, schools, libraries, gymnasias and athletic fields, fire houses, and public utilities."

Page 2, line 18, strike out all after "Sec. 3." down to and including "may" in line 20, and insert "Bonds issued pursuant to this act shall."

Page 2, line 24, strike out all after "private" down to and including "and" in line 1, page 3, and insert "sale, may be redeemable (either with or without premium) or nonredeemable."

Page 3, line 2, after "only," insert: "and may be executed by such officers and in such manner."

Page 3, line 4, after "bonds," insert: "In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures, whether manual or facsimile, shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery."

Page 3, line 7, after "annum," insert: "payable semiannually."

Page 3, line 18, after "conflict," insert: "but nothing contained in this act shall affect any bonded indebtedness heretofore incurred or heretofore authorized by law. The powers conferred by this act shall be in addition and supplemental to and the limitations imposed hereby shall not affect the powers conferred by any other law."

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, this seems to be important and far-reaching legislation. I understand from the Delegate from Alaska that it pertains only to cities in Alaska and that they have agreed upon this legislation and want it.

Mr. DIMOND. The gentleman is correct.

Mr. SNELL. I have no objection.

The amendments were concurred in.

The SPEAKER. Under the special order, the Chair recognizes the Delegate from Alaska for 15 minutes.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a brief statement about farms in the Matanuska Valley made by a resident therein, and a short letter.

The SPEAKER. Without objection, it is so ordered.

#### ALASKA—FACT AND FICTION

Mr. DIMOND. Mr. Speaker, in the issue of the Washington Sunday Star of April 19 appeared an article concerning the Matanuska Valley, Alaska, farm settlement, by W. Pledge Brown. Similar articles by the same author have been published a number of times in newspapers in various parts of the United States. Some months ago—in fact, last January—a friend of mine sent me a copy of substantially the same article which had been published in Capper's Weekly, and I have been informed that at least a dozen newspapers in the United States have published, and presumably bought and paid for, articles differing little, except in arrangement of paragraphs and transposition of language, from each other and the one which was so published in the Washington Sunday Star.

While I realize how futile it is to endeavor to answer all of the untrue statements which are made orally or appear



in the newspapers or in other publications about a man, a project, or a policy, yet, to my own personal knowledge, the series of articles written by W. Pledge Brown and published in the newspapers over the country about the Matanuska settlement are so almost wholly untrue that it seems some effort should be made by those of us who have accurate information on the subject and are interested in having the truth known to state the facts. Hence, with the consent of the House, I have obtained time today to tell the Members of this body something about the Matanuska Valley farm settlement and its prospects for success and something of farm lands and farming in Alaska.

As a preliminary, however, and since in the course of what I have to say it will be necessary to show as untrue, and perhaps false, many if not most of the statements so made by the author of the article in the Star and of the other similar articles mentioned, it may be well to find out who W. Pledge Brown is.

During the winter of 1934-35, a W. Pledge Brown spent several months in Alaska, principally in the cities of Ketchikan and Juneau. He claimed to be a newspaperman and appeared to have some newspaper experience. I have made careful inquiry concerning W. Pledge Brown's journeys in Alaska and, although he claims to have been editor of the Ketchikan Daily Chronicle, and in the article appearing in the Star he says that he has lived in the Territory for more than 5 years and has covered news from Ketchikan to Nome and from Nome to Point Barrow, in truth and in fact, he was never an editor of the Ketchikan Daily Chronicle or employed by that paper, and his very limited experience in Alaska has been confined largely to the cities of Ketchikan and Juneau and never, so far as I can ascertain, has he been in the Matanuska Valley or in Nome, nor has he ever visited Barrow; accordingly when he writes of farming in Alaska, he is writing of something concerning which from personal observation and experience he knows precisely nothing.

W. Pledge Brown—his full name was there given as Wilbur Pledge Brown—however, while he was in the city of Ketchikan, Alaska, did have one experience somewhat out of the ordinary. In that city on December 24, 1934, he was charged with larceny in a dwelling house, the allegation being that he had stolen a woman's purse at a party. Hearing on the charge was held before Judge E. C. Austin, United States Commissioner at Ketchikan, on January 11, 1935, and at that time Mr. Brown pleaded guilty to petit larceny and was fined \$25. On this sentence he served 1 day and thus received a credit of \$2 on his fine under the laws of Alaska, and paid the remaining \$23. When Mr. Brown left Ketchikan he failed to pay a number of debts which he owed and, so far as I have been able to learn, these debts have never been paid.

The illuminating incident just mentioned in the life of W. Pledge Brown, who visited Alaska as above stated, and the claim of the author of the article which appeared in the Washington Star and of similar, and indeed almost identical, articles which have appeared in a number of newspapers in several cities in the United States, led me to make further inquiry about W. Pledge Brown, and as a result of such inquiry it appears that the W. Pledge Brown who pleaded guilty to petit larceny in the city of Ketchikan, Alaska, on January 11, 1935, is identical with the following: One William P. Brown who was investigated by the police department of Phoenix, Ariz., on or about September 3, 1929, concerning the issuance of checks, one Wilbur P. Brown who was subject to a like investigation by the police department of Los Angeles, Calif., on or about September 10, 1930, on a charge of issuing a N. S. F. check, and who was convicted of petit theft and sentenced to 180 days' imprisonment—suspended; one Wilbur Pledge Browne who was investigated by the police department of Pasadena, Calif., on or about January 28, 1931, on a charge of grand theft involving a motor car, which charge was later dismissed; one Pledge Brown, alias Wilbur Pledge Browne, who was charged in Los Angeles, Calif., with grand larceny involving an automobile on or about January 31, 1931; one William Pledge Brown, alias

W. P. Brown, who was investigated by the police department of Washington, D. C., on or about March 20 to March 23, 1936, on a charge of grand larceny. Further inquiry discloses that the records of the city prison of Columbus, Ohio, show one W. Pledge Brown on June 16, 1932, to have taken a Buick car from the U-Drive-It Co. of Columbus and departed; that the company caused a warrant to be issued for his arrest on June 22, 1932; that on June 16, 1932, W. Pledge Brown cashed a worthless check at the Deshler-Wallick Hotel in Columbus, and as a result thereof on June 22 the hotel management caused a warrant for his arrest to be issued; that on the same day, namely, June 16, 1932, W. Pledge Brown received his final check from the Ohio State Journal and left, taking with him a typewriter which belonged to that newspaper, but in his generous attempt to make a fair exchange he left something—he left numerous small debts owing to other employees of the paper. The theft of the typewriter was reported to the police, but no warrant was issued.

But perhaps the most despicable thing which has come to my attention concerning W. Pledge Brown is revealed in a letter written to the Ketchikan Chronicle by a lady in Kansas. This letter bears every sign of truth, and it reveals more clearly than the mere conviction of a petty thief just what the manners and morals of W. Pledge Brown are. The letter mentioned is dated December 10, 1935, and reads as follows:

KETCHIKAN CHRONICLE,

Ketchikan, Alaska.

DEAR SIR: I am enclosing in this letter to you a letter addressed to Mr. W. Pledge Brown, of the Ketchikan Chronicle.

I met Mr. Brown recently while he was in Topeka, Kans., at which time he wrote an article on Alaskan conditions for the Topeka Daily Capital (Nov. 24, 1935, issue). The paper states that W. Pledge Brown is staff writer for the Ketchikan (Alaska) Chronicle, and he had returned to the United States as one of the Alaskan delegation to the national convention of the American Legion in St. Louis. They also state that Mr. Brown will return to his duties in Alaska in December.

It seems that during Mr. Brown's stay in Topeka that he became temporarily financially embarrassed. At his request, in writing, and over the signature of the Ketchikan Chronicle, Ketchikan, Alaska, I loaned Mr. Brown \$5, which he promised to return to me not later than the following Tuesday noon, November 26, 1935, when he was supposed to receive a sum of money by special delivery. Tuesday night I found out that he had checked out of the Throop Hotel in Topeka, Kans., and had left, forgetting to extend me the courtesy of returning the \$5 I loaned him.

Mr. Brown went from Topeka to Kansas City, and I am informed through correspondence with Mr. Jerome Walsh, a lawyer in the Bryant Building, Kansas City, Mo., whose acquaintance Mr. Brown had made, that Mr. Brown had checked out of the Ambassador Hotel in Kansas City, Mo., leaving no forwarding address.

A feature article by Mr. Brown appeared in the Kansas City Journal-Post about December 2.

If in any possible way you can deliver the enclosed letter to Mr. Brown, will you kindly do so at once for me?

I am sorry to cause Mr. Brown any unnecessary embarrassment, but it was not without considerable sacrifice that I granted his request to lend him this amount. Or if you can collect this for me you may keep \$1 for your trouble and mail me the \$4.

May I hear from you by return mail?

Sincerely,

I will not reveal the lady's name because it might cause her embarrassment and undeserved shame. It is a pity and a tragedy that men like W. Pledge Brown are permitted to roam the country fleecing people, and it is surprising that editors are so credulous and so gullible as to accept and publish, without adequate question or examination, the mendacious articles furnished, and, I suppose, really sold to the newspapers by Mr. Brown.

And that is not all. A letter which appears to be authentic gives the information that W. Pledge Brown, subsequent to his visit to Alaska, left the city of Bay City, Mich., owing his hotel bill, a clothing bill of nearly \$10 and a "check that bounced back from a Seattle bank for \$25." Further similar details of his scoundrelly record are available, but surely that is enough. I could forgive him for everything except his cheating the Kansas girl out of \$5. We have a word for men of that type in Alaska.



Now let us for a moment analyze, paragraph by paragraph, the article written by W. Pledge Brown which appeared in the Washington Star. As I observed a moment ago, so much of it is untrue that it is hard to find anything material in the entire article which is really correct or accurate.

Mr. Brown says that to date the Government has expended approximately \$18,000 per family. That statement is untrue. The Government has expended approximately one-half of the amount stated by Mr. Brown, but a considerable part of that expenditure has been made for necessary roads which should have been constructed whether the 200 families were settled in the Matanuska Valley with the aid of the Government or not. Before the establishment of this colony was ever thought of, the Federal Government and the territorial government of Alaska, and the municipal government of Anchorage had spent substantial sums of money in the building of roads in the Matanuska Valley and to connect that valley with the city of Anchorage, some 40 miles away. This connecting road has long been recognized as a real necessity for the development of the region, not only for its farms and for the expansion of farming, but for the mines which lie just beyond the edge of the valley in the Willow Creek region. It would be unfair and unjust to charge against the colonists or against this particular settlement project all of the sums that have been so spent in road building, since the object of building the roads was not only to serve the Matanuska Valley settlement but also the other farmers already living in the valley and those who in the future will, on their own initiative, undoubtedly settle there.

Moreover, the money so spent in road building should have been and would probably have been spent anyhow as a part of the relief work in the Territory of Alaska; and, surely, it is much better to put men to work on economically useful projects such as public roads than it is to give them the money for doing work which is not so valuable to the public and to posterity. The roads being built are really a sound contribution to the development of that region, and so to the development of Alaska, and the only pity is that three or four times as much money has not been expended in Alaska during the past several years for building roads that are equally needed in other parts of the Territory.

Mention is made in this article of the number of colonists who returned to the United States. Let me state the facts: Of the 897 colonists who went to Matanuska, approximately 750 remain there and are quite content to remain, and thankful that they have this outstanding opportunity to make themselves self-supporting and successful. I have been furnished with a copy of a telegram, dated April 14, 1936, from Col. Otto F. Ohlson, general manager of the Alaska Railroad and chairman of the Alaska Rural Resettlement Corporation, the Government corporation having charge of this project, addressed to Col. Lawrence Westbrook, Assistant Administrator of the F. E. R. A., saying that with the exception of two families, the colonists then—April 14, 1936—in the Matanuska Valley, embracing 158 families, report they are glad to be there and that they intend to remain. One man remarked, "You could not drive me away"; and another, "The soil and climate conditions here are far better than where we came from." Similar statements were made by other colonists, indicating that they are not only willing but eager to undertake the hard work which confronts them, for they believe they are bound to succeed and to make eventually not only a living but a competence.

In this article Mr. Brown proceeds with his misinformation, talking about the "long night", as he says the winter is known in the north country, and then goes on to say, "The only thing the colonists could do was to stay in their cabins and take it on the chin" during the winter. Arrant nonsense! Official records show that the average temperature in the Matanuska Valley during the month of January 1936 was plus 12.9° F.—remember that is 12.9° above zero. Any one who has ever lived in the Northern States knows perfectly well that, with proper food and clothing and shelter, a temperature of 12.9° above zero causes no suffering, and in

fact it is admirable weather for hard outdoor winter work, such as cutting down trees and clearing the land so that in the spring, when the frost goes out, the stumps may be removed and the land readily plowed.

In the Matanuska Valley the shortest day of the winter gives at least 8 hours of daylight. And a man who works out of doors steadily for 8 hours will do a fair day's work; and, so far as the work is concerned, he does not really need any more daylight, though a longer daylight period would undoubtedly be a comfort and a convenience. But even if the winter days are short, the briefness of the light of those days is made up to the fullest extent in the summertime, and it may be well here to remind ourselves that every part of the earth has the same amount of sunlight during the year. True, the days in the Matanuska Valley, which is a little farther north than the parallel of 61° north latitude are short in the wintertime, but in midsummer the valley is bathed in approximately 20 hours of sunlight each day and enjoys daylight for the full 24 hours.

One statement contained in Mr. Brown's article which appeared in the Star is so grossly untrue that it calls for special comment. The same statement occurred in the almost identical article which appeared in Capper's Weekly months ago. I refer to that part of the article which reads as follows:

First of all, there is no topsoil, so important to farming, to be found anywhere in Alaskan territory. Alaskan soil is covered with tundra and moss, under this a sandy gravel, and under the gravel a rich black loam. The "farmer" must dig for the soil needed.

There is simply not a word of truth in all of that. The fact is that there is ample topsoil on those lands of Alaska, more than 40,000,000 acres in extent, which are considered to be agricultural and grazing lands. It is true, of course, that in the northern half of the Territory there is plenty of moss and tundra and no farming soil in the common meaning of that term. But we are not now speaking of the reindeer ranges or the barrens, but of the farm lands of Alaska, and particularly those of the Matanuska Valley. In that valley the surface is covered with rich black loam, varying from 3 to 10 feet in depth. I personally have seen test pits dug in the valley to a depth of 6 feet without getting through the loam. Underneath this loam gravels are usually found, thus affording excellent drainage.

Later in the same article Mr. W. Pledge Brown contradicts himself when he says "with little or no drainage in the Matanuska Valley the water from the melting of the winter snows and the rains of the summer months seeps directly into the ground, making the valley a sea of mud and the soil too rich for productive farming." It will be observed that in one paragraph he says there is no top soil in Alaska and that immediately under the moss and tundra a sandy gravel is found, and then further along in another paragraph he talks about the valley being a sea of mud and says "the soil is too rich for productive farming." One wonders how any editor, no matter how careless, would pass such a plain contradiction on a very important point.

Mr. Brown tells about the annual rainfall of approximately 164 inches in southeastern Alaska. That happens to be correct and is, in fact, one of the few accurate statements in the entire article. But he fails to say that the average annual rainfall in the Matanuska Valley over a period of years has been exactly 14.80 inches. The explanation is that the Matanuska Valley is far enough in the interior of Alaska to be out of the region of heavy rainfall which bathes the coast.

The article further states that "prior to the coming of the new colonists there was not such a thing as a farm in Alaska." That statement is so foolish that even the most casual inquiry would have revealed its falsity. Actual farming has been carried on in Alaska and in the Matanuska Valley for many years and, where undertaken energetically and intelligently, it has been generally successful.

Mr. Brown further states, with the same disregard for fact, that the potatoes grown in the Matanuska Valley are unfit for human consumption; that the berries are tasteless and stringy; that the lettuce, cabbage, rhubarb, tomatoes, and other vegetables look beautiful in a crate or box, but when cut into they are rotten in the core. All untrue. The fact is



that the potatoes and other vegetables are of first-class quality. I have eaten potatoes grown in the Matanuska Valley (grown, in fact, on one of the bars of the Matanuska River) as fine and dry as any potatoes I ever ate, and I know that the lettuce, cabbage, rhubarb, tomatoes, and other vegetables are of first-class quality, sound and firm throughout.

It has been said that when new soil anywhere is first plowed up it will not produce crops of good quality the first year, perhaps due to a lack of nitrogen in the soil or to some other cause. But the Matanuska farm lands which have been under cultivation for several years produce crops that, in my judgment, cannot be surpassed in quality anywhere in the world.

Mr. Brown, in writing this series of articles, appears to rely on the general theory that as long as something bad or discreditable is said about a man, or a country, or a project, or a community, or a region, the statement may be sold as news, whereas if the truth is told it is so lacking in interest that no publisher would pay for it or print it. That, of course, is not always correct, but it seems to work sometimes. Many articles giving the truth of the situation in the Matanuska Valley have been published in newspapers and magazines over the country, and the writers did not find it necessary to depart from the truth in order to secure sale and publication of their statements.

If I were to point out every incorrect or untrue statement contained in Mr. Brown's article, these remarks would be carried to undue length, but in passing I must give a few more examples of what appears to be either gross exaggeration or absolute mendacity. Mr. Brown, in this article, has halibut swimming up the rivers of Alaska to spawn. If any halibut has ever entered a river of Alaska to spawn, certainly no one except Mr. Brown has ever before heard of it. As a matter of truth, the halibut spawn in the ocean and not in the rivers. Mr. Brown says that a \$5 bounty is paid on eagles; the truth is that the bounty is \$1. He has the eagles in this article picking the eyes out of the halibut and salmon. In order to pick the eyes out of a halibut, an eagle would have to dive deep into the salt water, and no one in Alaska has ever seen an eagle do that.

The article contains the statement that an 8-cent bounty is paid on trout regardless of size. The fact is that in a few restricted areas of Alaska a bounty of 2½ cents apiece is paid for the Dolly Varden variety of trout because this variety is especially destructive of salmon spawn. Further reference is made to the packs of wolves which roam Alaska in groups of 20 to 50. I have lived in Alaska more than 31 years, and during a substantial part of that period I was engaged in prospecting and thus had occasion to observe the habits of the wildlife of Alaska. I never saw a pack of wolves above five in number (probably a family, not a pack) and never knew of anybody who claims to have seen such a pack. Dr. Vilhjalmur Stefansson, the famous scientist, author, and Arctic explorer, includes the wolf-pack fable in what he satirically refers to as standardized misinformation. It is true that wolves are destructive of game, and the Territory pays a bounty on them. But not a wolf has been killed in the Matanuska Valley in 5 years. Wolves do not frequent the region in which the colonists are situated. The Territorial bounty on wolves is \$20, not \$15, as stated by Mr. Brown.

Mr. Brown would have you believe that disease in the Matanuska settlement was rife and the death rate terrible. The truth is that the health of the people in the settlement has been excellent. There has been sickness in the valley, but I do not know of any community in the United States where all illness has been banished. At Matanuska, some of the settlers have suffered from measles, chickenpox, and scarlet fever, but such diseases are not confined to Alaska. Mr. Brown graphically describes the sad death of a 4-year old boy. Death is always tragic, and the sight of a cheerful, happy child taken from his loved ones is particularly so. Doubtless it cast a pall over the entire colony, as such misfortunes always do. Death, as we well know, is not restricted to the aged and infirm nor to the youthful—death strikes at all ranks and all classes, and while we may deeply sympathize with the loved ones of this young boy, the first of

the colony to go, we must remember that death comes to happy, loving children all over the world even where every medical facility is available. The truth again is that from the very beginning of the settlement, the colonists were amply taken care of with the services of a physician and nurses, and one of the first things that was done in the colony was the construction of a hospital. As a result of that care, the death rate of the colonists has been only about one-half of the death rate in the continental United States. I much doubt if any of the colonists who have remained in the country would say that their health has not been amply and adequately taken care of.

My mind goes back to the early days of Alaska, when sometimes sick or injured people would be obliged to travel hundreds of miles to reach a physician, provided they were able to travel at all; and in some of the outlying parts of the country, at the present time, where as many people live as reside in the Matanuska Valley, there is no physician within 100 miles, and no hospital and no nurse. The colonists who have settled in the Matanuska Valley are much better cared for with respect to health and medical service and hospital facilities than many other of the permanent old-time residents of Alaska. Mr. Brown's inference to the contrary is simply 100 percent untrue.

In this article, mention is made of the establishment of the colony and the "able direction" of Don L. Irwin, first director of the colony. But, according to Mr. Brown, this "able direction" should be understood with reverse English, because a little further along he talks about the advent in the colony of Colonel Hunt, who "soon established order out of chaos." If the direction of Mr. Irwin was able—as it unquestionably was—how did the chaos arise? In fact, the "chaos" is simply a figment of the imagination of the author.

It is true, of course, that in the establishment of the colony mistakes were made and everything did not move as smoothly at first as a perfectly coordinated engine. The transportation of 200 families with their supplies and equipment to one place within a short time resulted in some confusion, but it was not long until good order was evolved. Upon their arrival the colonists were accommodated in comfortable tents. I have lived in tents for years, and I know there is no hardship in so living. The permanent houses were constructed and the colonists were in them before winter came. They have really suffered no substantial hardship when one considers the care and protection and thought given to the establishment of the colony and the resultant comfort and convenience, and then considers the condition which confronted the early settlers at Plymouth, and at Jamestown, or in Kentucky, or Colorado, or anywhere else during pioneer days. It almost makes one smile to hear it said, as Mr. Brown says in words or by inference, that the Matanuska colonists were exposed to hardship and suffering and sickness and danger and death.

Colonization schemes have always been laughed at until they have succeeded. The bold adventurers who left Europe to settle in the wilderness of America in the seventeenth century were ridiculed by those who stayed at home, and I have no doubt that among the settlers themselves after they arrived in America there was considerable grumbling and discontent, and that if telegraph communication had been available, some of them would have wired back home and told their friends and the members of Parliament how tough things were in the New World, and how badly they had been misled, and how much they wished they were back. But the great majority of the settlers would have stayed in America, anyhow, and they would have made the country what they have made it and what we see today.

Then in conclusion, in order to give his article a romantic sound, Mr. Brown talks about the wilderness of the Territory "as it was in the days of '98." He says:

Trappers, loggers, prospectors, and miners still blow into the coastal towns with thousands of dollars in their poke and cash in across the bars and call on drinks for the house.

The poor man does not know how to write simple English language, and apparently the proofreader was no better informed.



Again the truth is the exact reverse of what Mr. Brown tells us. The truth is that Alaska is a sedate, peaceful, and quiet country. When the average miner brings his gold into town he promptly takes it to the bank and has the proceeds deposited to his credit. After all, most miners and prospectors have some sense and judgment, just like the remainder of the people of the country. This conclusion shows how totally unfamiliar everything in Alaska is to W. Pledge Brown, or else that his mind is of such a type that he blends fact and fiction indiscriminately and does not know or care which is which.

While it would not be becoming or in accordance with the rules and dignity of this House to use any harsh term about the veracity, or lack of it, of W. Pledge Brown, or to speak what has been called the "short and ugly word", perhaps I may be justified in adopting with respect to Mr. Brown a statement once used in a lawsuit concerning a patently untruthful witness by one of the ablest lawyers of Alaska, Mr. Joseph H. Murray. And so I suggest of W. Pledge Brown, that if you should happen to see him walking down the street with Ananias on one side and Sapphira on the other, you might be certain that he was in the bosom of his family.

The need of telling the truth about the Matanuska settlement has just been brought powerfully to my attention by an article appearing in the issue of the Literary Digest of May 9, 1936. It appears to be based very largely, if not entirely, upon the numerous statements made by W. Pledge Brown and printed in newspapers over the country. While the Literary Digest does not name Mr. Brown as the source of its information, it has adopted so much of Mr. Brown's language and solemnly repeats so much of his misinformation that the internal evidence of the Literary Digest article shows, I think, beyond dispute that it is largely based upon the articles of W. Pledge Brown. The Literary Digest echoes Mr. Brown in the incorrect statement that the bounty on eagles in Alaska is \$5 and the bounty on wolves \$15, and no one but Mr. Brown, writing of Matanuska, could be so ignorant as to make those statements. No one but this "expert" on Alaska could have written the fantastic paragraph, followed almost verbatim by the Literary Digest, to the effect that the farmer must dig to get at the soil; that the Alaska ground is covered with moss and tundra under which is gravel, and under the gravel the needed loam. The Literary Digest simply must have swallowed this whole upon the authority of W. Pledge Brown.

Mr. Brown also tells us gravely that the Alaska strawberries are tasteless and stringy. The Literary Digest's editor varied the language by saying that they are "stringy and tasteless." Before the advent of Mr. Brown no one in Alaska ever heard of the Alaska strawberries as "stringy", because they are the very reverse of that. I greatly fear that the editors of the Washington Star and the Literary Digest yielded to the charm of alliteration in connecting the word "stringy" with the word "strawberries." It is a wonder that they did not go further and say "stringy, slinking strawberries." Mr. Brown was remiss in not suggesting that. If a charge of plagiarism were made by Mr. Brown or the Washington Star on account of the article appearing in the Literary Digest, the "deadly parallel" might be invoked to sustain the charge.

The Literary Digest has gone W. Pledge Brown one better in expanding the packs of wolves which are said to roam Alaska. Mr. Brown was content to place the number of the largest pack in his article which appears in the Star at 50, but the Literary Digest evidently consulted Mr. Brown again, or else took a deep breath before speaking, because the wolf packs, according to the Literary Digest, number from 50 to 200. Really, Baron Munchausen was never able to do much better than that. The Literary Digest follows Mr. Brown in reversing the laws of nature by having halibut swim up the rivers, where their spawn is eaten by trout. This statement exhibits the Brown touch—no one else could have done that job. The Digest goes on to say that the salmon and halibut fishing is worth \$2,000,000 a year to Alaska. Possibly the editor of the Digest, or Mr. Brown, or both, were here engaged in an adventure in using the empha-

sis of understatement, for the records show the yearly value of salmon and halibut fisheries to Alaska to be many, many times that sum.

The Digest also refers to "Alaskan agricultural engineers." Judging by the extent to which the article appearing in the Digest is apparently based upon the statements made by W. Pledge Brown, one naturally arrives at the conclusion that Mr. Brown has been promoted by the Digest and that he is now, in the estimation of the editors of the Digest, an Alaskan agricultural engineer. Mr. Brown's creditors in Ketchikan, Alaska, and the law-enforcement officials at that place will doubtless take interest in his change of status.

There is another unhappy circumstance concerning the article which so appeared in the Literary Digest, and that is the melancholy conclusion which one must draw therefrom—the conclusion that the editors of such a great publication did not make a sufficient, if any, investigation to determine the accuracy or lack of accuracy of the matter which appeared in that particular article. After all, the Literary Digest, unlike many newspapers, claims to be non-partisan, and that it attempts to present the facts fairly. While I do not challenge or deny the truth of that claim, it is particularly painful to have the magazine give the persuasive force of its columns, reaching, as they do, into every part of the United States, as to matters upon which it is apparent no fair investigation was ever made and which are evidently based upon the statements of a man who is not only entirely ignorant of the subject but whose character is such as to render him unworthy of belief. The least that the Literary Digest could have done before printing this alleged "news" was to have made some sort of an effort to determine the facts; but apparently such a course of action never occurred to the person responsible for the printing of the article. After reading that story, Alaskans, at least, will wonder how much reliance can be placed on other matter appearing in the Digest.

It is difficult for truth to overtake or correct error once the error is spoken. Many newspapers in the United States, including the Washington Star and now the Literary Digest, have printed a series of statements which give a totally false picture of the Matanuska Valley settlement and of Alaska generally, and which are, as a matter of fact, almost entirely untrue based upon the authority of W. Pledge Brown. It is likely that millions of people have read or will read these statements, and it is further likely that not a hundred people will read the truth of the matter, either embodied in what I have to say here today or otherwise, and that every newspaper and magazine which without investigation published Mr. Brown's statements will take no notice of the correction here or elsewhere made or of the facts here or elsewhere presented.

Now, it seems too bad that time must be used up in denying such groundless statements, but it seems to be my duty to deny them, because if not denied many people, including Members of Congress, may believe them to be true. Moreover, the statements of Mr. Brown have had such wide publicity as to possibly give a large number of our citizens an entirely erroneous idea about the Matanuska Valley farm settlement and about Alaska generally. In fact, one Member of Congress recently asked me if I had read Mr. Brown's article, which appeared in the Star. I replied that I had, and that there was little of truth in it. But this Member looked at me in astonishment, and from further remarks which he made he very evidently had been impressed by the article.

Perhaps this inclination to misunderstand conditions in Alaska goes back to the ancient fiction that Alaska is a land of ice and snow and polar bears and glaciers and very little else. It is indeed difficult to make the people of the United States know what Alaska really is. Even to this day, occasionally the shipment of merchandise to Alaska is refused in winter upon the alleged ground that the Territory is frozen in and that nothing can be transported by sea to any part of Alaska in the wintertime. It is particularly difficult to make people understand and know the truth about the farm lands and grazing lands of Alaska. Occasionally people who have



visited the southeastern part of the coast of Alaska have erroneous impressions about farming in the Territory. I once talked with a Member of Congress who had sailed along the coast of Alaska and seen the rugged mountain chain which fronts the coast for hundreds of miles, with here and there a glacier breaking through. He has decided upon that inspection alone that there is no agricultural land in Alaska and no possibility of successful farming in the Territory.

Somehow, I cannot understand this attitude. If I should desire to know anything about Texas, or Colorado, or Florida, or Maine, or any other State, I think I should inquire of the Members of Congress from the State about which I desired information, and I know that I could justly rely upon the accuracy of what they told me. And yet, when I tell people about Alaska, particularly about farming in Alaska, it seems to me that many of them are under the impression that what I am telling is just some kind of pleasant fiction. Yet even brief reflection and a knowledge of geography and climate should convince the people of the United States that Alaska is valuable for something besides its extensive stores of gold and coal, and copper, and oil, and its even greater resources in fish, and that there is in Alaska possibility for development of very large farming areas capable of supporting several millions of people.

So let us put out of our minds everything about W. Pledge Brown and rise into a purer and cleaner atmosphere. Let us see what Alaska really is. As I have told this House before, Alaska is in many respects the greatest resource which the United States possesses. In order to understand the value of the Territory, we only have to make a few comparisons.

Alaska lies, roughly speaking, between the fifty-third and the seventy-first parallels of latitude, stretching through the vast distance of 18°. The main body of it lies between 130° and 168° west longitude, though the Aleutian chain and some other islands extend out into the Pacific almost 8° further, reaching nearly to 172° east longitude. In Europe the nations which lie within the same latitude as Alaska embrace Norway, Sweden, Finland, Denmark, Latvia, Esthonia, and, of course, all northern Russia and Siberia.

We shall confine our comparisons to Norway, Sweden, and Finland alone. We find by such comparison that Alaska exceeds in area the combined areas of Norway, Sweden, and Finland, which now support in comfort more than 12,000,000 people. Once each year we have occasion to remember Finland, because that valiant country is the only one of our national debtors which pays its debts when due and which is not in default. Yet an examination of the geography shows that the total area of Finland is only 144,250 square miles, as compared with approximately 589,000 square miles in Alaska. We find that Finland has no natural gold reserves of any kind; has very little copper; that its iron reserves are much less than those of Alaska; that its total water power is less than that of Alaska; that its fisheries are only a fraction of the value of the Alaska fisheries; that its agricultural and grazing lands are approximately one-sixth of the area of the farming and grazing lands of Alaska; that it has no coal reserves, no petroleum reserves; in reindeer pasture Finland has 8,000 square miles, Alaska 240,000 square miles. And yet this country not only sustains a cultured as well as a rugged population of 3,500,000 people but it alone of all the European nations meets its national indebtedness promptly on the dot.

A comparison of Alaska with Sweden, which has a population of 6,000,000, is equally favorable to the Territory. Sweden has an area of 173,550 square miles; its farming and grazing lands do not in area exceed one-half of that of Alaska, and yet its agricultural population comprises approximately 2,700,000 people. Sweden has in reindeer pasture about 40,000 square miles, as against 240,000 square miles in Alaska; it has in woodlands 2,000 square miles as against 181,000 square miles in Alaska. Sweden, like Finland, has nothing in the way of natural gold reserves, and its copper reserves are very small indeed as compared with the very large copper reserves of Alaska. It may be that in iron reserves Sweden surpasses Alaska, because we find its iron resources listed at 442,000,000 tons, while no survey has ever been made, so far as I am aware, of the iron reserves of

Alaska. We know Alaska contains considerable iron, but it would be rash for anyone to try to compare it with Sweden in that respect. Alaska has large deposits of marble, Sweden little. Alaska, so far as known, contains 40 times as much coal as Sweden. Alaska apparently has large reserves of petroleum, and Sweden is entirely without this resource. Sweden surpasses Alaska, but not very much, in total water power, the figures being Sweden, 3,500,000 horsepower, and Alaska, 2,800,000 horsepower. The fisheries of Sweden, although extensive, do not amount in value to half of those of Alaska. Now, in this connection let me point out once more that Sweden and Finland lie in the same latitude as Alaska. Finland touches the Arctic Ocean on the north and the Gulf of Finland on the south, and it is cut off from Sweden by the Gulf of Bothnia. Both of these countries are far enough removed from the Atlantic Ocean to be measurably deprived of the warming and moderating influence of the gulf stream. The climate of these two countries is, taken by and large, approximately the same as that of Alaska. So when I conclude, as I do, that the Territory of Alaska is capable of supporting in comfort a population of several millions, I am not drawing at all upon my imagination but basing it upon what has been done in the old world and upon an impartial consideration of geographic and scientific facts.

The late great Dr. Alfred H. Brooks, former Director of the Alaska Division of the United States Geological Survey, once made the following observation:

Had the Pilgrim fathers settled at Sitka, Alaska, instead of at Plymouth, they would have found milder climate, better soil and timber, and more game, furs, and fish. Indeed, pioneer life in southeastern Alaska was so much easier than that on the New England coast, the question might seriously be raised whether the hardy enterprise of the Puritan stock would have developed under these more favorable conditions.

May I digress here for a moment in order to pay deserved tribute to this really eminent scientist and distinguished man? It is from his compilation that I have secured readily the data-making comparisons between the resources of Alaska and those of Sweden and Finland.

One who really desires to find out the farming possibilities of the Matanuska Valley has only to consult the records of the Department of Agriculture, which for many years maintained an experiment farm in the Matanuska Valley. From a reference to those records we find that the yield of oats on the valley farms is from 51 to 87.5 bushels to the acre; that peas yield heavily; that root crops yield abundantly and that they are of good quality and keep well; that cereal crops, such as spring wheat, oats, barley, grow well; that potatoes yield more than 200 bushels per acre in good soil; that winter rye can be grown successfully and that it is sown the latter part of July in one year and matures in August of the following year.

The question is, Which are we going to believe, the reports of responsible agents and scientists of the Department of Agriculture or the statements made by W. Pledge Brown and by others who are little, if any, better informed?

Of course, we all know that the Matanuska Valley is not a northern paradise where ravens bring food to the needy and manna simply falls down from heaven. The Matanuska colony is not a get-rich-quick scheme nor a lazy man's heaven. Resources are plentiful and opportunities abound, but work, hard work, is required to succeed there as elsewhere. No lucky strike of gold or diamonds or pearls is going to make everyone there rich. Most of the settlers who now remain in the valley are, I believe, of the type who are willing to work and who do not demand that opportunity knock a dozen times or more at their doors before they will open. There have been difficulties and discomforts in the Matanuska Valley, the same as there have been elsewhere in any new country, with any new settlement, but those difficulties and discomforts are, I am confident, less in the valley than in almost any other pioneer country of which any of us ever heard. There is difficulty in clearing the land, which is covered with timber; that is not a job for a man who does not care to work. The trees must be cut down and dragged off and the stumps pulled and the land placed under cultivation; all this means long days of really hard



work, but it is the type of work that has been done by the pioneers since the earliest days of this country, the pioneers who moved into the Atlantic seaboard, into the Mississippi Valley, and into the forests of the Northwest.

Considerable criticism has been voiced of the Matanuska Valley farm project. It is my considered judgment that the project is not only fundamentally sound but has been well administered. I do not mean by this that the administration has been perfect or that no mistakes have been made. As was said the other day by the distinguished gentleman from Virginia [Mr. Woodrum], it is not claimed that the administrative officers are infallible, for we realize that they are human and, being human, they are liable to err. But it is only an unfair critic who would unduly exalt and magnify the relatively few errors made in the establishment and carrying on of the Matanuska colony. It must be remembered that it was necessary to take these settlers from the relief rolls. They were so taken from the relief rolls of the States of Michigan, Wisconsin, and Minnesota because, in going to Alaska, settlers from those States would experience little change of climate. Now the Government has the alternative in treating relief of either keeping on providing people with food and clothing indefinitely or of helping them to get into circumstances where they will be able to help themselves. With respect to the Matanuska Valley settlers, the latter alternative was chosen, and, while I realize it cannot be extended universally to all who are on relief, surely this venture was worth while when we consider its importance in the development of a great country.

Claim has been made that the settlers will never sustain themselves and that, having been on relief, they are incapable of any prolonged or self-supporting effort. Information reaching me indicates that that criticism is entirely unfounded, and that by far the greater portion of the colonists chosen for this settlement are sturdy, upright, industrious people, many of them, before the depression, in good circumstances. They went on relief not through any fault or omission of their own, but because of adverse economic conditions, and that with few, if any, exceptions the families embraced in the original colony now remaining in Matanuska Valley will measure up in mental, moral, and physical stamina to the standards of other citizens of the United States on or off the relief rolls, in any part of the country.

Let me give you briefly the testimony of a man who has lived in the Matanuska Valley since a date prior to the arrival of the colonists in the spring of 1935, that of the Reverend B. J. Bingle, who is a Presbyterian minister and pastor of the Community Church at Palmer, Alaska. Mr. Bingle recently visited Washington en route to attend a general assembly of his church at Syracuse, N. Y. He has had the widest opportunity to observe conditions in the Matanuska Valley, and has been with the settlement from the beginning. He says, in part:

I went into that valley before any of the colonists or construction workers arrived. I had lived in the Territory already 7 years prior to that move. I knew what the country could do across that range of mountains to the north and east, but I had an open mind as to what this valley could do and what success could be made of it. I am now 100 percent with all my might back of that project. Here are some of the things I have seen that bring me to my conclusions:

Oats growing on ground that has not been fertilized for 10 years, standing as high as my head, heavy oats, well filled out kernel, and when cut for hay or threshed, make the best kind of feed for cattle, horses, or sheep.

Wheat grows very well. The superintendent of schools owns a farm on which was raised, last year, wheat that ran 43 bushels per acre.

Other grains are now being tried, except corn, which cannot grow that far north, and they have given evidence of good success.

I have seen those much-discussed and cursed Alaskan potatoes. They are supposed to be wet and soggy, not fit for man or beast. I have eaten those spuds for 1 year. I have personally boiled them, fried them, baked them. I have eaten them French fried or made into potato chips, and they are not only good, but very good. There is a different taste to them, but there is no greater difference between them and the potatoes grown in the Western States than there is between the potatoes grown in the Middle West and those grown on the Pacific coast. One notices a difference in taste between western-grown and eastern-grown apples, too. As to their lasting qualities, I had western potatoes and Alaska potatoes side

by side—not in a cellar, but in a warm upstairs room all last winter—right in Matanuska Valley. My Alaska potatoes were more solid when I left 4 weeks ago than my western ones. They looked better every way and were better.

I have seen and eaten all winter other Alaskan vegetables such as carrots, peas, and rutabagas. They were equal to outside grown ones in every way, in taste, and keeping qualities. My experience with Alaskan-grown vegetables is that they keep better than those shipped in. Cabbages and lettuce are excellent.

I have helped my wife pick, can, make jelly and preserves from the various wild berries—and they are there in large amounts—and I find I eat them no less readily than the outside tame berry. The tame berry transplanted to Alaska is better than that berry produced in the States and bigger.

As for feed for cattle, I have stood many times on the beaches looking out toward the Knik Arm on the Pacific Ocean and seen stretches of wild hay on those beaches that are many miles long and from 2 to 3 miles deep in spots. The hay in most places was about 5 feet tall. The Ellicksons of Knik have lived at their same location for 25 years at least. They have sheep, goats, Guernsey cattle, and a horse. They have cut that hay year after year and fed it to their stock. Their stock is rolling in fat, and the milk and butter the cows produce compare favorably with that from the western half of the States.

I could go on indefinitely and tell what that land can do. I will conclude. We have:

(1) Soil. It is first class, from 2 feet to 8 feet in depth, underlain with gravel.

(2) Climate. It was warmer there than in New York last winter.

(3) Market. It only awaits food to be produced and shipped to it.

(4) People. With few exceptions they are a high-class people—capable, intelligent, thrifty, and energetic. You could not ask for better than those that are remaining.

Mr. Bingle also definitely commends the government of the colony and those who are now in charge of it.

This is convincing evidence, coming as it does from a man who not only is of high character and possesses marked intelligence, but who has closely observed the matters of which he speaks and who is devoid of bias, prejudice, or partisanship.

In conclusion, let me point out that the Matanuska Valley is not the only farming region of Alaska. Indeed, it is only a very small part of the farming and grazing lands of Alaska, and in the grazing lands I do not include the reindeer range. I have in mind one small island embracing about 100,000 acres off the coast of Alaska, which, in the judgment of an experienced stockman, will support 10,000 head of cattle on the natural range and without supplying any winter feed whatever other than that which can be obtained on the range. We have the great Tanana Valley, a large part of which is suitable for agriculture. We have the lower Kenai Peninsula region, in some respects the best of Alaska farm lands, which needs only roads to insure its rapid settlement and cultivation; and, according to the reports of the Department of Agriculture, approximately 750,000 acres of the best agricultural land in Alaska is absolutely inaccessible to farmers. I refer to the region lying north of the Tanana River, between the Tanana and the Forty Mile, and more particularly along the south fork of the Forty Mile River.

People who know the facts about Alaska realize that the Territory is capable of supporting in comfort a population approaching that of Norway, Sweden, and Finland. Italy has just waged a desperate and costly war to gain dominion of a country not half as valuable. And Japan is sending armies to Asia to conquer lands not as well suited to colonization.

We have eaten fiction long enough; let us change to a diet of facts. [Applause.]

The SPEAKER. Under the special order the Chair recognizes the gentleman from New York [Mr. REED] for 20 minutes.

Mr. REED of New York. Mr. Speaker, the interest people are manifesting in the Federal Constitution is one of the encouraging signs of the times. The confusion and chaos which have prevailed in Washington during the past 3 years have bewildered the people and obscured from them the extent to which arbitrary government has encroached upon their individual liberties.

One assault after another has been launched by the New Deal forces against the Constitution. These attacks against



the supreme law of the land, which after all are blows directed at the expressed will of a sovereign people, have at last aroused the public to the gravity of the situation. Every thoughtful person now knows that the United States is in a critical phase of its existence, the most dangerous in all its history in time of peace.

The solemn covenants entered into by the New Deal administration with the people have been disregarded, broken, and dishonored by those who have taken a sacred obligation to preserve and protect the constitutional rights of every American citizen.

While it has been known by some of the people, it has not been generally known that working within the Government, employed by the Government, are officials who scorn the doctrine of individual liberty as proclaimed in the Declaration of Independence, and as reaffirmed in the Federal Constitution. Not until one barrier after another had been thrown across the path of the advancing and destructive forces of communism and socialism by the Supreme Court of the United States were the people made fully aware of the purpose that the leaders of the New Deal had in mind.

This great tribunal of justice, the people's Court, did not falter in the performance of its sworn duty. It erected not only a barrier to prevent the spoliation of the supreme law of the land but it struck back at the despoilers and it struck hard.

What has been the program of the New Deal officials who from the first have attempted to destroy individual liberty? The method of destruction adopted by the New Dealers is not new but old. A century ago William Tudor wrote:

Whenever any set of men shall entertain designs against the Constitution, either to overwhelm it in the anarchy of simple democracy or to found on its ruins a usurpation of monarchical power, they will commence their operations by open or insidious attacks to weaken and overthrow the judiciary.

Such has been the procedure of this administration during the past 3 years. The first step taken was to formulate legislation in which benefits were promised to certain minority groups, which the authors of the legislation knew to be beyond constitutional scope and power of Congress to legally bestow. It was known, of course, by the authors of the legislation that the Supreme Court, when the issue was presented, could not do otherwise under its sworn duty but declare the legislation unconstitutional. The proponents also knew that an adverse decision of the Court would naturally arouse resentment on the part of the minority groups to whom illegal benefits were promised. To be more specific in regard to the attempt to destroy public confidence in the Constitution and judiciary, let us reduce the plan now being pursued to plain everyday language.

Various pieces of legislation have been formulated by this administration and presented to Congress in which money payments have been promised to various groups. As I have stated, these legislative proposals and the promises of benefits which each contained were known when formulated and presented to be unconstitutional, beyond the powers of Congress to legally enact; but it was also known by the authors of this legislation that the Supreme Court, under its sworn duty, would be compelled to hold these acts illegal, void, and of no effect.

What, then, was the purpose and motive in presenting such legislation for the pretended benefits to farmers, miners, wage earners, and others?

It was to arouse the hopes and expectations of these groups, once the legislation was enacted, that they would receive money from the United States Government. It was known to those who prepared the legislation and by the Congress at the time it enacted it that when the Court did render adverse decisions, as it was bound to do, then the Court, and not the administration, would be blamed; that prejudice and resentment would be visited upon the Court by the mouthpieces of the administration; that by official jabs and slurs, prejudice would be aroused to the point where, in the white heat of passion, the disappointed groups would be willing to support any plan to take from the Court the right of judicial review.

These are the political aspects of the case. Such has been the motive of those who have framed these illegal legislative measures. Aside from the reprehensible character of such a program, the cost to the taxpayers has already been stupendous. We need only consider the hundreds of millions of dollars raised by the processing taxes. Now, since the Court has performed its sworn duty and has done precisely what President Roosevelt and his officials knew it would have to do, he recently presented to the Congress a message asking for more funds to replace the money which the New Deal administration has illegally collected and spent and which President Roosevelt now says is "made necessary by the decision of the Supreme Court." He goes out of his way to blame the Supreme Court.

The real blame, as he knows, and as all thoughtful people must know, rests with President Roosevelt and the "hot dog" lawyers who have deliberately set about to destroy the confidence of the people in the judiciary—and all for political purposes.

The next move, once the disappointed groups are sufficiently aroused and mobilized, will be to appeal to them to support a program to take from the Supreme Court the power of judicial review of legislation passed by the Congress. This plan, if carried out, will take from the Supreme Court the power to uphold the Constitution and, by decision, prevent its violation. Furthermore, it will change not only the Constitution of the United States but the constitutions of each of the 48 States comprising our National Union.

Under this plan, if adopted, anarchy will be substituted for order, passion for moderation, all without any restraining judicial action. The proposal, whether called "the more abundant life" or "the new order", when reduced to everyday language, means that an Executive with a lust for power, assisted by a rubber-stamp Congress, once given the power requested, could thrust individual liberty into the background and supplant it with tyranny, bigotry, and intolerance every bit as intolerable and insufferable as that to be found under any dictatorial regime in existence, and with the same tragic consequences to mankind here as now exists abroad.

It is time for self-respecting, freedom-loving men and women to realize that under the new order proposed President Roosevelt and the New Deal Congress, without any legal restraint whatsoever, would be permitted to destroy every right now guaranteed to an American citizen by the Federal Constitution. But while an effort is being made by this administration to destroy confidence in the judiciary, the proponents of unlimited national legislative power seek to persuade the people to place full faith and confidence in the wisdom and self-restraint of the Congress. This is not the philosophy taught by the great apostle of democracy, Thomas Jefferson. His answer to the sophistry that the people should have confidence in the Congress to protect their individual rights was this:

It would be a dangerous delusion if our confidence in the men of our choice should silence our fears for the safety of our rights. Confidence is everywhere the parent of despotism. Free government is founded on jealousy, not in confidence. It is jealousy and not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power. Our Constitution has accordingly fixed the limits to which, and no further, our confidence will go. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

The Federal Constitution is the expressed will of a sovereign people. The representatives in Congress are not general agents of the people but special agents whose powers are set forth, defined, and limited by the Constitution. They are enjoined not to transgress the limits of the special authority granted to them by the people whom they represent. Out of an abundance of caution, and as an added safeguard against encroachment, each Member of Congress is required to take an oath of office to support and defend the Constitution and to bear true faith and allegiance to the same.

The President of the United States is required by the Constitution itself, in prescribed language, to take a similar oath as a covenant with the people that he will not usurp powers



forbidden by the supreme law of the land. Our Government has been conducted for almost a century and a half upon the theory that the Chief Executive and each Member of Congress would observe his oath of office. This rule, until recently, has been faithfully observed, except when there has been an honest mistake of judgment as to the constitutionality of proposed legislation.

President Lincoln, when urged to exercise powers not granted, replied:

It was in the oath that I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take office without taking the oath, nor was it my view that I might take the oath in order to get power and then break the oath in using the power.

One of the chief functions—the most vital function—of the Supreme Court is to keep the executive branch and the legislative branch of the Government from usurping powers not granted to them, respectively, by the Constitution. The Supreme Court is the tribunal that guards from encroachment or destruction the liberties guaranteed to the people by the Constitution.

What do these rights mean to the individual? I want to impress upon every Member of the House that if and when court review of legislation is abolished, the Congress in any one session can take away any one or all of these rights or liberties enumerated and guaranteed to every American citizen in the Bill of Rights. What are these cherished and time-honored individual rights?

Religious liberty, freedom of speech, freedom of the press, the right of peaceful assembly, the right of petition for redress of grievances.

The right of State militia to bear arms.

No soldier shall be quartered in time of peace in a house without consent of the owner.

Unreasonable search and seizure.

No arrest, except upon probable cause supported by oath or affirmation, describing the place and the persons or things to be seized.

Capital offenses must be found by a grand-jury indictment.

No person shall for the same offense be twice put in jeopardy, compelled to testify against himself, nor be deprived of life or property without due process of law; no private property taken for public use without just compensation.

In criminal prosecutions the accused shall enjoy a speedy and public trial by an impartial jury in the district wherein the crime is committed, to be informed of the nature of the accusation; to be confronted by witnesses; to have compulsory service for obtaining witnesses and the assistance of counsel for his defense; the right of trial by jury where the sum exceeds \$20.

Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual punishment inflicted.

These individual rights are now guaranteed to every American citizen by the Federal Constitution, and each of these individual rights is guarded by the Supreme Court of the United States. The average man and woman finds in these provisions their sole protection against executive and legislative abuse and tyranny. Remove the right of judicial review and all of these rights, the heritage of an heroic past, can be swept away, leaving the individual a helpless victim of either Executive tyranny or the mob rule of an irresponsible Congress. The Supreme Court is the last line of defense for the individual citizen in the maintenance of his liberties.

There is still on the way to the Supreme Court a long parade of must legislation enacted by the Congress under the pressure of the Executive.

The Guffey coal bill has just been declared unconstitutional. When this measure was before a subcommittee of the Ways and Means Committee the members of the committee hesitated to report it to the full committee because of doubts entertained as to its constitutionality. It was at this juncture that the people were startled and stunned to have their Chief Executive, in a letter to Hon. SAMUEL B. HILL, the chairman of the subcommittee, urge that the bill be favor-

ably reported, notwithstanding doubts as to its constitutionality. The intent of President Roosevelt is clear and unequivocal:

"I hope", said President Roosevelt, "your committee will not permit doubt as to the constitutionality, however reasonable, to block the suggested legislation."

Under the lash of the President this legislation was driven through both branches of the Congress and promptly signed by him.

Attempts to create resentment toward the Supreme Court with the sole and determined purpose of creating a political issue is reprehensible, and unless this attempt to do so is met with firm resistance by patriotic citizens, mob rule will replace orderly government. I may say, in this connection, that an eminent authority on constitutional law makes the comment:

Those legislators . . . who vote for a measure without being honestly convinced of its constitutionality and excuse themselves upon the ground that if their action is not valid the courts have the opportunity to so declare, are recreant in their duty. . . . No popular government can successfully endure in which the decisions of its courts do not receive the general approval of the citizen body. But if legislatures recklessly pass measures ostensibly for the benefit of the masses but invalid when tested by the fundamental law, the odium of defeating these measures is thrown upon the courts, and a popular objection to and distrust of these courts created.

I may say in passing that out of the 24,000 Federal laws passed by the Congress since our Government was organized, the Supreme Court has held only 69 of them unconstitutional. Ten of these cases have been so held under the New Deal, and other cases arising out of the New Deal are now on the way to the Supreme Court. Three cases have been withdrawn by the Government to avoid adverse decisions.

Just how far arbitrary Government dare go, unless restrained, needs no better exemplification than the A. A. A., especially the Potato Control Act. Once the right of court review is destroyed, there will be established a centralized government that will make every citizen subject to bureaucratic control. If this happens, the people will find that the clock of progress has been turned backward, not forward. First, there will be communism, then the dictator. Such has been the history of every government, ancient and modern, whenever and wherever the people have bartered away or surrendered their liberties. [Applause.]

#### A BILL THAT SHOULD PASS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks briefly in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LUDLOW. Mr. Speaker, the American War Mothers are intensely interested in a bill that has passed the Senate and which I fervently hope will pass this House of Representatives and become a law before the present session of Congress adjourns sine die.

I refer to the bill introduced by Senator SHERMAN MINTON, of Indiana, a distinguished veteran of the World War, which provides that unexpended balances of the "Stars and Stripes" fund, and other special funds, in the custody of the Treasury shall be invested in interest-bearing Government securities and that the sum of \$20,000 shall be allotted every year from this source to the American War Mothers to carry on their humanitarian activities.

These special funds, aggregating \$294,852.97, now lie idle in the Treasury. Not a dollar of this money was appropriated, so that it is not and never has been a charge on the taxpayers. It represents in the main the contributions of American soldiers in France to carry on the Stars and Stripes, the doughboys' official publication. The cessation of the war left an accumulated balance on hand and it was covered into the Treasury where it has remained inactive in a special account ever since.

This fund ought to be doing some good for humanity's sake. I cannot imagine any better or more appropriate use for it than the purpose provided for in this bill. Surely no group in this country is more entitled to the benefits of this fund than the mothers who endured the heartaches of the



World War, when their sons fought on foreign soil, some to return with shattered minds and broken bodies, and others never to return at all.

We should show our love for the American War Mothers by passing this bill unanimously, just as soon as it can be reported out of the Judiciary Committee and brought to a vote. Certainly we owe them that tribute. We repeatedly exhaust the beauties of language in rendering lip service to the War Mothers; every Decoration Day and oftener we lay our linguistic garlands at their feet. Here is an opportunity to do something really worth while for them—something they will appreciate.

If we make it possible for them to receive \$20,000 a year to carry on their humanitarian work, it will be like sending their ship home to them—a ship laden with rich blessings. No one not a member of their organization can visualize all the good they will be able, with careful management, to do on \$20,000 a year. The organization of War Mothers provides medical and hospital care for needy War Mothers, maintains homes for those without a home or means of support, carries on child-welfare work, and renders assistance to the poor and needy in many ways. Every dollar that is made available to the American War Mothers will go forward among the poor and needy and sorely afflicted to render a blessed, humanitarian service.

As a Hoosier, I feel especially interested in this bill because it was an Indiana war mother, Mrs. William E. Ochiltree, of Connersville, Ind., who first proposed this use of the idle funds in the Treasury and who has labored incessantly, in season and out of season, to make her dream a reality. Mrs. Ochiltree was national president of the American War Mothers from September 1933 until September 1935. No organization of women in America ever has had a more forthright, able executive than Mrs. Ochiltree proved to be. Her unflagging devotion, accurate judgment, and magnificent energy soon won for her a place of the highest distinction among the American War Mothers and the loving esteem of every soldier who fought for his country in the dark days of 1917 and 1918. Her administration as president will be remembered as one of the brightest eras in the history of the organization.

Mrs. Ochiltree, 76 years young, now in retirement at her hospitable home in Indiana, is confidently expecting this House to pass the Minton bill before the gavels adjourn this Congress, and thousands of war mothers all over the country are watching and waiting. As the session rushes toward its close, let us not permit this measure, so dear to the hearts of the war mothers, to become lost in the shadows of more important matters. Let us think of the war mothers and all they suffered and endured, and, remembering them, let us fan the spark of sentiment to a brighter glow by passing this worthy measure in their behalf.

#### WHITMAN NATIONAL MONUMENT

Mr. DE ROUEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7736) to provide for the establishment of the Whitman National Monument, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. DE ROUEN, Mr. KNUTE HILL, and Mr. ENGLEBRIGHT.

#### TRADING IN UNLISTED SECURITIES UPON NATIONAL SECURITIES EXCHANGES

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4023) to provide for the continuation of trading in unlisted securities upon national securities exchanges, for the registration of over-the-counter brokers and dealers, for the filing of current information and periodic reports by issuers, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SNELL. Reserving the right to object, Mr. Speaker, I have consulted with the minority members of this committee and I have been informed that there was no one who appeared in opposition to this bill. As a matter of fact, personally I feel it is a very important bill to pass by unanimous consent. At least I think the chairman of the committee should make a statement to the House and tell us exactly what we are doing in this proposed legislation.

Mr. RAYBURN. I will be glad to do that as nearly as I can.

At the time we passed the Stock Exchange Act in 1934 there were traded in on the exchanges of the country, if the exchanges would allow it, unlisted securities. We did not go into that in the act at that time for the reason that we felt we had hardly sufficient information with reference to it. We therefore asked the Commission to make a study of this matter and submit a report to Congress. The Commission made that study, and on the 3d of January their report was submitted to Congress. In that report they recommended that the trading privilege in unlisted securities on stock exchanges be continued. That is what this bill does.

I may say to the gentleman that this is more or less an emergency piece of legislation, and that is the reason I have asked unanimous consent to consider it at this time. There are today traded in on the exchanges of this country securities on an unlisted basis amounting to 1,875,000,000 shares of stock. Those shares of stock comprise 1,370 separate issues. There are today traded in, in unlisted securities, on the exchanges \$6,800,000,000 worth of bonds, comprising 564 separate issues. If this bill is not passed before the 31st day of May, the trading in those securities on the exchanges will be illegal.

Mr. SNELL. Will the gentleman explain why it would be any different than before the original security law was passed? That is, before that time they traded over the counter, so to speak, in unlisted securities. As I understand the gentleman's explanation, this allows them to continue doing that exactly the same as they did before the original act was passed. Is that true?

Mr. RAYBURN. That is correct, under certain supervision of those things, as there is supervision of the exchanges in the trading in listed securities.

Mr. SNELL. I have hastily glanced through these hearings, and I notice that the president of the American Bankers Association appeared and said he had no objection to it.

Mr. RAYBURN. Let me say to the gentleman there was a provision in the Senate bill which we have stricken out. The American Bankers' Association said they thought that would bring them under the Securities and Exchange Commission. Their attorneys had said that it would. We told them frankly that we did not want to do it because they were already regulated by enough agencies. We, therefore, struck out the provision to which they objected and inserted a new provision at the top of page 12, known as section C, that entirely satisfied them that their transactions would not come under this bill.

Under section C of the Senate bill, also, municipalities raised a question, especially some municipalities in the State of New York. As this section is now worded, they say it is entirely fair to them and allows them to go on and do their trading just as they have in the past.

Mr. SNELL. Then there is no objection, so far as the gentleman knows, from any of these various classes affected by the bill?

Mr. RAYBURN. Not that I know of. I may say to the gentleman from New York that when Mr. Landis closed his statement with reference to the bill I asked whether representatives were there from any of the exchanges who wanted to be heard. Mr. Lockwood, of the Curb, was there. He said, speaking for the Curb, that this amendment suited him; that the situation was serious but that this met it in a constructive way. Then I called Mr. Fleming, president of the American Bankers' Association, and some representatives of municipalities. They all say they are satisfied.



Mr. SNELL. I would expect this would pertain more to securities sold on the Curb Market, to over-the-counter securities.

Mr. RAYBURN. That is probably true. Mr. Lockwood said that so far as the Curb was concerned he thought it met the situation in a very constructive manner.

Mr. SNELL. I have not changed my view that this is very important legislation to go through by unanimous consent, but if no member of the committee is opposed to the bill, and if those most affected by the bill are agreeable to it, then I ought not to object, and I have no objection to it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WHITE. Mr. Speaker, I object.

#### STEAMBOAT INSPECTION SERVICE

Mr. BLAND. Mr. Speaker, I call up the conference report on the bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a Marine Casualty Investigation Board and increase efficiency in administration of the steamboat-inspection laws, and for other purposes, and ask that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat inspection laws, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 4450. (a) The Secretary of Commerce shall prescribe rules and regulations for the investigation of marine casualties involving loss of life in order to determine whether any incompetence, misconduct, unskillfulness or willful violation of law on the part of any licensed officer, pilot, seaman, employee, owner or agent of such owner of any vessel involved in such casualty, or any inspector, officer of the Coast Guard, or other officer or employee of the United States, or any other person, caused, or contributed to the cause of such casualty. For the purpose of investigating such a marine casualty, the Secretary of Commerce shall appoint a marine casualty investigation board or boards consisting of a chairman and two other members; the chairman shall be an officer or employee of the Department of Justice (learned in maritime laws) designated by the Attorney General; one member shall be a representative of the Bureau of Marine Inspection and Navigation designated by the Secretary of Commerce; and the other member shall be an officer of the United States Coast Guard designated by the Secretary of the Treasury. All reports shall be made to the Secretary of Commerce and such reports shall be public records and be open to inspection at reasonable times by any persons. Copies of such reports shall be sent to the Attorney General and to the Secretary of the Treasury."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

On page 5 of the Senate engrossed amendments, line 3, after the comma insert "any owner, licensed officer, or any holder of a certificate of service, or any other person whose conduct is under investigation, or any other party in interest, shall be allowed to be represented by counsel, to cross-examine witnesses, and to call witnesses in his own behalf, and".

And the Senate agree to the same.

S. O. BLAND,  
WILLIAM I. SIROVICH,  
ROBERT RAMSPECK,  
RICHARD J. WELCH,

*Managers on the part of the House.*

ROYAL S. COPELAND,  
DUNCAN U. FLETCHER,  
HIRAM W. JOHNSON,  
WALLACE H. WHITE, Jr.,  
MORRIS SHEPPARD,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat-inspection laws, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment no. 1: This amendment eliminates the House provision authorizing the appointment of supervising inspectors by the Secretary of Commerce to be made without regard to civil-service rules and regulations. The House recedes.

On amendment no. 2: This amendment substituted for the House provision relating to the investigation of marine casualties involving loss of life, provisions for the creation of a marine casualty investigation board consisting of Government officers or employees. The House provision provided for the appointment of an investigation board for each casualty. The House recedes from its disagreement to the Senate amendment and agrees to the same with an amendment which authorizes the Secretary of Commerce to prescribe rules and regulations for the investigation of marine casualties involving loss of life, and authorizes the Secretary of Commerce to appoint a board or boards consisting of Government officials to investigate any such casualty or casualties.

On amendment no. 3: This amendment substituted for the House provision relating to the investigation of marine casualties not involving loss of life provisions authorizing the Secretary of Commerce to establish rules and regulations for the investigation of such casualties, for the classification of such casualties, and for investigation by a marine board consisting of inspectors of the Bureau of Marine Inspection and Navigation designated by the Secretary of Commerce. The House provision authorized the appointment of marine boards for such investigations. The House recedes from its disagreement to the amendment.

On amendment no. 4: This amendment substituted for the House provisions relating to the conduct of investigations into acts of incompetency or misconduct or in violations of law or regulations by officers and seamen and by Government employees charged with duties in the premises somewhat broader provisions directing investigation of all such acts and of all marine casualties and accidents by the appropriate boards created by the act, and also provided for the submission of complete records to the Director of the Bureau of Marine Inspection and Navigation. The House recedes from its disagreement to the amendment with an amendment inserting in the Senate amendment a provision authorizing the owner, officer, any holder of a certificate of service, or other person whose conduct is being investigated, or any other person in interest to be represented by counsel at the investigation, to cross-examine witnesses and to call witnesses in his own behalf.

On amendment no. 5: This amendment limits, in connection with the issuance of certificates of inspection of passenger vessels, the acceptance of plans and certificates of the American Bureau of Shipping as evidence of structural efficiency, etc., to provide that such acceptance shall not be applicable where existing law places definite responsibility on the Bureau of Marine Inspection and Navigation. The House recedes.

On amendment no. 6: This amendment, in connection with the matter referred to in amendment no. 5 above, strikes out provisions in the House bill authorizing the acceptance of certificates of the American Bureau of Shipping certifying as to the adequacy of subdivision arrangements. The House recedes.

On amendment no. 7: This amendment provided for a flat fee for overtime work of an inspector, in lieu of the House provision for additional pay based on the daily pay. The Senate recedes.

On amendment no. 8: This amendment added a new section to the bill authorizing the appropriation of sums necessary to carry out the provisions of the act. The House recedes.

On amendment no. 9: This is a clerical amendment making the necessary change in section numbers to complement the addition of a new section made by amendment no. 8.

S. O. BLAND,  
WILLIAM I. SIROVICH,  
ROBERT RAMSPECK,  
RICHARD J. WELCH,

*Managers on the part of the House.*

Mr. SNELL. Mr. Speaker, I would like to ask a few questions about this report. I think the gentleman from Virginia should explain it. I notice the Senate added nine amendments and that the House receded on all except one, which was to put the inspectors on flat pay instead of extra daily pay, very unimportant. It seems to me if the House had any bill at all, the conferees should have stood up for it a little. I would like to have the gentleman from Virginia explain why the House conferees receded on amendment no. 1.

Mr. BLAND. Mr. Speaker, amendment no. 1 was a provision that the seven supervising inspectors should be appointed by the Secretary of Commerce without regard to civil service. At that time it was considered by the House that in order to get men of the technical experience necessary we would have to go outside the civil service. The Senate



thought they should be under civil service and we concluded that efficient men could be gotten through the operation of the civil service.

Mr. SNELL. Will the gentleman from Virginia tell the House one possible argument anybody could put up to support the contention that steamboat inspectors could not best be selected by the civil service?

Mr. BLAND. We came to the conclusion that that would be the best way, so we receded.

Mr. SNELL. What reason supported the original House provision, just a purely political reason, or some other reason?

Mr. BLAND. The reason for the House provision was that we felt the men should have particular skill and qualification.

Mr. SNELL. They should have that, should they not?

Mr. BLAND. Yes.

Mr. SNELL. So we are in agreement on that.

Mr. BLAND. And we thought possibly they could be selected better without regard to civil service. That was the argument originally presented to the committee.

Mr. SNELL. Will the gentleman tell the House what argument was presented to the committee originally why you could possibly do it better by making a purely political appointment than by a selection based on experience and education along this line?

Mr. BLAND. The argument at that time made was not a political argument. The argument was that in the particular case of Captain Fried, who is one of the inspectors, that he could not be gotten through the civil service.

Mr. SNELL. There is one exception, and in the case of Captain Fried I presume the gentleman is right, although I do not know Captain Fried; but, as a matter of fact, there are thousands of these steamboat inspectors. I know men who have taken the examination, men who were experienced engineers and were qualified to do this kind of work.

Mr. BLAND. This amendment puts these supervisory inspectors under the civil service.

Mr. SNELL. If there is one service in the United States that should be under the civil service it is steamboat inspection. I do not believe anybody, anywhere, can give a good and sufficient reason for not taking them from the classified service.

Mr. BLAND. This amendment does not take them out of civil service. If the gentleman will read the section as it was originally reported he will see that it referred only to the seven supervisory inspectors, the men who were to be at the head of and in charge of these districts.

Mr. SNELL. The head men, the men in charge, should be more carefully selected than any other member of the whole service.

Mr. BLAND. I am delighted that the gentleman agrees with the managers on the part of the House in their recession.

Mr. SNELL. I agree with that position, but I do not agree with the way the gentleman is getting at the matter. He has not given any excuse to the House or any real reason why it should be done that way, and considering that the President has made the statement on several special occasions that the only way to get real efficient Government service is through the civil service, I do not see why you on that side of the aisle should continually come in here and make exceptions to the civil-service requirements.

Mr. BLAND. I am not aware that the gentleman who has charge of this bill did that.

Mr. SNELL. Does not Mr. Roper agree with your President with regard to that matter?

Mr. BLAND. Yes.

Mr. SNELL. Why not carry out what your President says to the people of this country is the only way to get efficient service?

Mr. BLAND. We are carrying it out on the representation of the civil service that they get sufficiently qualified men.

Mr. SNELL. No; because they are to be excepted from the requirements of the civil service.

Mr. BLAND. The recession on the part of the managers for the House puts them under the civil service.

Mr. SNELL. Oh, no.

Mr. BLAND. But it does. That was the very question in issue. When the bill was originally passed by the House it had language "without regard to the civil-service rules and regulations", and the section which would have excepted them from the civil-service rules and regulations was stricken out in the Senate; consequently they do come under the civil service.

Mr. SNELL. The gentleman stated he receded from his own position.

Mr. BLAND. We receded.

Mr. SNELL. Then the civil-service requirements will be strictly applicable to every one of these appointees?

Mr. BLAND. This only relates to the seven supervisory inspectors and the civil service applies to them.

Mr. SNELL. It applies to all of these employees clear down through the list then?

Mr. BLAND. It does not apply to the traveling inspectors.

Mr. SNELL. That is exactly what I say. It does not apply to the entire list, and according to the gentleman's own statement, he says it should be applied to all of them.

Mr. BLAND. Where exceptions have not been made.

Mr. SNELL. Those exceptions seven times out of eight are political exceptions. If there is one service in the United States where we should give careful, strict attention to the appointees, it is in the Steamboat Inspection Service.

Mr. BLAND. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### CHARLESTON ARMY BASE TERMINAL, CHARLESTON, S. C.

Mr. BLAND. Mr. Speaker, I call up the conference report on the bill (S. 3789) authorizing the Secretary of Commerce to convey the Charleston Army Base Terminal to the city of Charleston, S. C.

The Clerk read the conference report.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3789) authorizing the Secretary of Commerce to convey the Charleston Army Base Terminal to the city of Charleston, South Carolina, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

S. O. BLAND,  
WILLIAM I. SIROVICH,  
RICHARD J. WELCH,

*Managers on the part of the House.*

ROYAL S. COPELAND,  
HIRAM W. JOHNSON,  
MORRIS SHEPPARD,

*Managers on the part of the Senate.*

#### STATEMENT

On amendment no. 1: This amendment, inserted by the House, provides that the deed authorized by the bill to be executed by the Secretary of Commerce shall include a provision prohibiting the city of Charleston from transferring the title to the property conveyed in said deed to any person, firm, or corporation. The Senate disagreed to this amendment. The House insisted upon its amendment, and the Senate recedes.

On amendment no. 2: This amendment, inserted by the House, provide that if the property authorized to be conveyed by said bill should be taken over by the United States, with all improvements placed thereon, for the period of the national emergency, the taking over should be "without cost to the United States." The Senate disagreed to this House amendment, and the House recedes.

S. O. BLAND,  
WILLIAM I. SIROVICH,  
RICHARD J. WELCH,

*Managers on the part of the House.*

Mr. BLAND. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.



The conference report was agreed to.  
A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOOD. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. Wood]?

Mr. SHORT. Mr. Speaker, reserving the right to object, I would like to have 5 minutes following the address of my colleague, the gentleman from Missouri [Mr. Wood].

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. Wood]?

There was no objection.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes at the conclusion of the remarks of the gentleman from Missouri [Mr. Wood].

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. Short]?

There was no objection.

Mr. WOOD. Mr. Speaker, I desire to address myself this morning to the question of farm-tenant legislation. In the Seventy-third Congress I introduced a bill providing that the Government shall finance farm tenants in the acquisition of farms. I am told that was the first bill of this kind introduced in the Congress since the passage of the homestead law. The bill was introduced on June 4, 1934, and on February 12, 1935, I introduced a similar bill. On June 26, 1935, Senator BANKHEAD also introduced a farm-tenant bill, as did the gentleman from Texas [Mr. JONES], chairman of the House Agricultural Committee. The gentleman from Texas [Mr. JONES] introduced a companion bill to the Bankhead bill on March 26, 1935.

The Bankhead bill passed the Senate in the last session and has been pending in the Agricultural Committee of the House for just about a year.

Mr. Speaker, I care not who gets credit for the passage of this legislation. I think my bill is superior to the Bankhead bill, but in view of the fact that the Bankhead bill has passed the Senate and that the chairman of the Agricultural Committee of the House has introduced a similar bill, I am heartily in favor of the passage of the Bankhead bill. I think this type of legislation should be passed by the Congress before the adjournment of the present session.

Recently we had before the House the Frazier-Lemke bill, and the reason for objection to that bill by those who voted against it was that it provided for an expansion of the currency. Nothing like that is involved in the Bankhead bill or in my farm-tenant bill. This bill provides for expansion of the credit of our Government and, Mr. Speaker, when we consider that in the past 5 years there have been some seven or eight hundred thousand or 1,000,000 farmers who have lost their homes and farms under foreclosure we must realize that they have now joined the ranks of the farm tenants.

In 1935 some 54 percent of the farm acreage of the Nation was farmed by tenants. Needless to say, this percentage has greatly increased since 1928. In my own State some 39 percent of the farm acreage is farmed by tenants.

I am mighty proud of the fact that this administration, under the leadership of Franklin D. Roosevelt, has made a heroic effort for national recovery, but there is one element that has been entirely forgotten, and that is the farm tenant. Never has there been any legislation proposed since the enactment of the homestead law that directly affected the farm tenant or that gives him any chance to acquire a farm and a home of his own. Certainly, they have been the recipients generally of relief legislation, but there has never been passed any legislation that directly affects the farm tenant.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. WOOD. I wish the gentleman would wait until I get through with my remarks.

Mr. MOTT. I will defer my question.

Mr. WOOD. All right; go ahead.

Mr. MOTT. Is it not true that the Frazier-Lemke farm-mortgage refinancing bill proposed to help the farm tenant who had lost his farm by foreclosure when he was an owner? He came directly under the bill.

Mr. WOOD. Yes.

Mr. MOTT. The gentleman's statement was that no legislation had been proposed with that purpose in view up to date.

Mr. WOOD. Of course, my bill was proposed at about the same time the Frazier-Lemke bill was introduced in the Seventy-third Congress, and it is very true that under the Frazier-Lemke bill the farmers who had lost their farms in the past 3 or 4 years could reclaim them through the provisions of that measure, but originally it was designed to help the farm owner who was in debt, and that is perfectly all right. I was heartily in favor of that bill and did everything I possibly could to help pass the measure, but now that bill has been defeated.

Mr. COLDEN. Mr. Speaker, will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. COLDEN. In order to rehabilitate our population, not only on the farms but in the cities, should not any bill of the character of the bill the gentleman has introduced provide that people who have been lured from the farm to the city be included in the provisions of such a measure?

Mr. WOOD. Certainly. Of course, the Frazier-Lemke bill, as well as the Bankhead farm-tenant bill and my own bill, provides for the acquisition of homes for farmers, and the very foundation of our Republic, as well as the safety of our American institutions, depends upon the principle that every man should have a place he can call home.

I hope the Committee on Agriculture will report out the Bankhead bill and give the House an opportunity to vote on that most important piece of legislation. Certainly, in the light of the decisions of the Supreme Court on the National Industrial Recovery Act and the Agricultural Adjustment Act and the Guffey coal-stabilization measure, it is pretty hard to tell what Congress has the authority or the power now to do in the way of enacting remedial social legislation, but there is one power we still hold and that is to expand our credit—borrow money and lend money through the R. F. C. and the other agencies of the Government. So there can be no question about the constitutionality of this farm-tenant legislation, and while it provides for an expansion of the credit of the Nation, it likewise provides that the amortization of this credit shall be borne by the farmer who receives the benefit. So while it is expansion of the credit, it in no wise increases our obligation to pay interest or principal upon expanded credit or upon bonded indebtedness.

So there is no reason why we should not give these millions of farm tenants an opportunity to own their homes and farms which they are tilling. This makes for better citizenship and makes for a more secure Republic.

No one can talk communism or any of these new theories of government to a man who owns his home and is making a comfortable living. This is not the element that the "reds" and the Communists feast upon. The unfortunates who are without means of livelihood and without homes and without some security in their homes represent the type they can influence with their various types of radicalism.

So I think the most important piece of legislation now pending before the Congress is the farm-tenant measure, and I do hope that the Committee on Agriculture that has been holding this bill for a year, will report the measure to the House and give the House an opportunity to decide, one way or the other, whether we should give to these tenant farmers, by a proper measure of financing, an opportunity to own their own homes.

We have refinanced business. Oh, they say, that if the Government furnishes \$5,000 to refinance or purchase a farm that that is not good security. I say that a farm that a tenant purchases for \$5,000 refinanced by the Government is a better security than nine-tenths of the millions of dollars



that have been loaned by the Reconstruction Finance Corporation to business.

They have loaned money to business institutions that had no value; their stocks and bonds are nil. They were bankrupt.

I do not criticize the refinancing of industry. That was the proper thing to do. But we ought to relieve the farmer, especially the unfortunate farm tenants who are performing the majority of the great portion of tilling the soil and producing the necessary commodities of life.

Mr. MORITZ. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. MORITZ. Take the man who owns 20,000 acres of land and farms it out to the tenants. Are those tenants being protected under your bill?

Mr. WOOD. The Bankhead bill provides that the Government can loan the farm tenants the amount necessary to purchase a farm of the average size of farms in that State. What that may be in the gentleman's State would be, perhaps, a different size in my State. The farms in Missouri average about 125 acres.

Mr. MORITZ. Does it affect people who own too much land?

Mr. WOOD. My bill provides for a maximum of 80 acres. Under the Bankhead bill, in Missouri the tenant could acquire a farm of 125 acres. That is all right. Notwithstanding the provisions of the Bankhead bill, most Missouri tenants would acquire farms of not more than 80 acres.

Mr. MORITZ. Does your bill provide a strangle hold for those who own too much land?

Mr. WOOD. Neither my bill nor the Bankhead bill contain any provision whereby a man owning 10,000 acres could borrow any money. I think the Bankhead bill takes care of that matter in a very efficient way. I do not think it is possible for them to traffic under the Bankhead bill or my bill.

If there are any such loopholes in this legislation, we will have an opportunity to correct it in a few months when Congress meets again in January.

Certainly no initial legislation is ever perfect, but I do know that the Bankhead bill is a fine beginning, and I hope and trust that the very distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. Jones] will see to it that the Bankhead bill or his companion bill, or whatever they may work out as a substitute for the Bankhead bill, will be presented to this House so that we may get a vote on that legislation before the session closes. [Applause.]

The SPEAKER pro tempore (Mr. FLANNAGAN). The gentleman from Missouri [Mr. Short] is recognized for 5 minutes.

#### TRADING IN UNLISTED SECURITIES

Mr. RAYBURN. Mr. Speaker, will the gentleman from Missouri yield to me for a moment?

Mr. SHORT. Certainly.

Mr. RAYBURN. In order to make a short statement. The gentleman from Idaho [Mr. White], who objected a moment ago to the consideration of the bill S. 4023, to provide for the continuation of trading in unlisted securities upon national securities exchanges, and so forth, has withdrawn his objection. Therefore, Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4023, to provide for the continuation of trading in unlisted securities upon national securities exchanges, for the registration of over-the-counter brokers and dealers, for the filing of current information and periodic reports by issuers, and for other purposes.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the bill S. 4023, the gentleman from Idaho having withdrawn his objection. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That subsection (f) of section 12 of the Securities Exchange Act of 1934 is amended to read as follows:

"(f) Notwithstanding the foregoing provisions of this section, any national securities exchange, upon application to and approval of such application by the Commission and subject to the terms and conditions hereinafter set forth, (1) may continue unlisted trading privileges to which a security had been admitted on such exchange prior to March 1, 1934; or (2) may extend unlisted trading privileges to any security duly listed and registered on any other national securities exchange, but such unlisted trading privileges shall continue in effect only so long as such security shall remain listed and registered on any other national securities exchange; or (3) may extend unlisted trading privileges to any security in respect of which there is available from a registration statement and periodic reports or other data filed pursuant to rules or regulations prescribed by the Commission under this title or the Securities Act of 1933, as amended, information substantially equivalent to that available pursuant to rules or regulations of the Commission in respect of a security duly listed and registered on a national securities exchange, but such unlisted trading privileges shall continue in effect only so long as such a registration statement remains effective and such periodic reports or other data continue to be so filed.

"No application pursuant to this subsection shall be approved unless the Commission finds that the continuation or extension of unlisted trading privileges pursuant to such application is necessary or appropriate in the public interest or for the protection of investors. No application to extend unlisted trading privileges to any security pursuant to clause (2) or (3) of this subsection shall be approved except after appropriate notice and opportunity for hearing. No application to extend unlisted trading privileges to any security pursuant to clause (2) or (3) of this subsection shall be approved unless the applicant exchange shall establish to the satisfaction of the Commission that there exists in the vicinity of such exchange sufficiently widespread public distribution of such security and sufficient public trading activity therein to render the extension of unlisted trading privileges on such exchange thereto necessary or appropriate in the public interest or for the protection of investors. No application to extend unlisted trading privileges to any security pursuant to clause (3) of this subsection shall be approved except upon such terms and conditions as will subject the issuer thereof, the officers and directors of such issuer, and every beneficial owner of more than 10 percent of such security to duties substantially equivalent to the duties which would arise pursuant to this title if such security were duly listed and registered on a national securities exchange; except that such terms and conditions need not be imposed in any case or class of cases in which it shall appear to the Commission that the public interest and the protection of investors would nevertheless best be served by such extension of unlisted trading privileges. In the publication or making available for publication by any national securities exchange, or by any person directly or indirectly controlled by such exchange, of quotations or transactions in securities made or effected upon such exchange, such exchange or controlled person shall clearly differentiate between quotations or transactions in listed securities and quotations or transactions in securities for which unlisted trading privileges on such exchange have been continued or extended pursuant to this subsection. In the publication or making available for publication of such quotations or transactions otherwise than by ticker, such exchange or controlled person shall group under separate headings (A) quotations or transactions in listed securities, and (B) quotations or transactions in securities for which unlisted trading privileges on such exchange have been continued or extended pursuant to this subsection.

"The Commission shall by rules and regulations suspend unlisted trading privileges in whole or in part for any or all classes of securities for a period not exceeding 12 months, if it deems such suspension necessary or appropriate in the public interest or for the protection of investors or to prevent evasion of the purposes of this title.

"Unlisted trading privileges continued for any security pursuant to clause (1) of this subsection shall be terminated by order, after appropriate notice and opportunity for hearing, if it appears at any time that such security has heretofore been withdrawn or if such security is hereafter withdrawn from listing on any exchange by the issuer thereof, unless it shall be established to the satisfaction of the Commission that such delisting was not designed to evade the purposes of this title or unless it shall appear to the Commission that, notwithstanding any such purpose of evasion, the continuation of such unlisted trading privileges is nevertheless necessary or appropriate in the public interest or for the protection of investors. On the application of the issuer of any security for which unlisted trading privileges on any exchange have been continued or extended pursuant to this subsection, or of any broker or dealer who makes or creates a market for such security, or of any other person having a bona-fide interest in the question of termination or suspension of such unlisted trading privileges, or on its own motion, the Commission shall by order terminate or suspend for a period not exceeding 12 months such unlisted trading privileges for such security if the Commission finds, after appropriate notice and opportunity for hearing, that by reason of inadequate public distribution of such security in the vicinity of said exchange, or by reason of inadequate public trading activity or of the character of trading therein on said exchange, such termination or suspension is necessary or appropriate in the public interest or for the protection of investors.



"In any proceeding under this subsection in which appropriate notice and opportunity for hearing are required, notice of not less than 10 days to the applicant in such proceeding, to the issuer of the security involved, to the exchange which is seeking to continue or extend or has continued or extended unlisted trading privileges for such security, and to the exchange, if any, on which such security is listed and registered, shall be deemed adequate notice, and any broker or dealer who makes or creates a market for such security, and any other person having a bona-fide interest in such proceeding, shall upon application be entitled to be heard.

"Any security for which unlisted trading privileges are continued or extended pursuant to this subsection shall be deemed to be registered on a national securities exchange within the meaning of this title. The powers and duties of the Commission under subsection (b) of section 19 of this title shall be applicable to the rules of an exchange in respect of any such security. The Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions, or for stated periods, exempt such securities from the operation of any provision of section 13, 14, or 16 of this title."

SEC. 2. Any application to continue unlisted trading privileges for any security heretofore filed by any exchange and approved by the Commission pursuant to clause (1) of subsection (f) of section 12 of the Securities Exchange Act of 1934 and rules and regulations thereunder shall be deemed to have been filed and approved pursuant to said subsection (f) as amended by section 1 of this act.

SEC. 3. Section 15 of the Securities Exchange Act of 1934 is amended to read as follows:

"SEC. 15. (a) No broker or dealer (other than one whose business is exclusively intrastate) shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in or to induce the purchase or sale of any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange, unless such broker or dealer is registered in accordance with subsection (b) of this section.

"(b) A broker or dealer may be registered for the purposes of this section by filing with the Commission an application for registration, which shall contain such information in such detail as to such broker or dealer and any person directly or indirectly controlling or controlled by or under direct or indirect common control with such broker or dealer, as the Commission may by rules and regulations require as necessary or appropriate in the public interest or for the protection of investors. Except as hereinafter provided, such registration shall become effective 30 days after the receipt of such application by the Commission or within such shorter period of time as the Commission may determine.

"An application for registration of a broker or dealer to be formed or organized may be made by a broker or dealer to which the broker or dealer to be formed or organized is to be the successor. Such application shall contain such information in such detail as to the applicant and as to the successor and any person directly or indirectly controlling or controlled by or under direct or indirect common control with the applicant or the successor as the Commission may by rules and regulations require as necessary or appropriate in the public interest or for the protection of investors. Except as hereinafter provided, such registration shall become effective 30 days after the receipt of such application by the Commission or within such shorter period of time as the Commission may determine. Such registration shall terminate on the forty-fifth day after the effective date thereof unless prior thereto the successor shall, in accordance with such rules and regulations as the Commission may prescribe, adopt such application as its own.

"If any amendment to any application for registration pursuant to this subsection is filed prior to the effective date thereof, such amendment shall be deemed to have been filed simultaneously with and as part of such application; except that the Commission may, if it appears necessary or appropriate in the public interest or for the protection of investors, defer the effective date of any such registration as thus amended until the thirtieth day after the filing of such amendment.

"The Commission shall, after appropriate notice and opportunity for hearing, by order deny registration to or revoke the registration of any broker or dealer if it finds that such denial or revocation is in the public interest and that (1) such broker or dealer, or (2) any partner, officer, director, or branch manager of such broker or dealer (or any person occupying a similar status or performing similar functions), or any person directly or indirectly controlling or controlled by such broker or dealer, whether prior or subsequent to becoming such, (A) has willfully made or caused to be made in any application for registration pursuant to this subsection or in any document supplemental thereto or in any proceeding before the Commission with respect to registration pursuant to this subsection any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact; or (B) has been convicted within 10 years preceding the filing of any such application or at any time thereafter of any felony or misdemeanor involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer; or (C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or (D) has willfully violated any provision of the

Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder. Pending final determination whether any such registration shall be denied, the Commission may by order postpone the effective date of such registration for a period not to exceed 15 days, but if, after appropriate notice and opportunity for hearing, it shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration until final determination, the Commission shall so order. Pending final determination whether any such registration shall be revoked, the Commission shall by order suspend such registration if, after appropriate notice and opportunity for hearing, such suspension shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors. Any registered broker or dealer may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any registered broker or dealer, or any broker or dealer for whom an application for registration is pending, is no longer in existence or has ceased to do business as a broker or dealer, the Commission shall by order cancel the registration or application of such broker or dealer.

"(c) No registered broker or dealer, or any other person, shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security (other than commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest to prevent fraud, concealment, unfair discrimination, or manipulative or deceptive practices or otherwise to insure to investors protection comparable to that provided by and under authority of this title in the case of national securities exchanges.

"(d) Each registration statement hereafter filed pursuant to the Securities Act of 1933, as amended, shall contain an undertaking by the issuer of the issue of securities to which the registration statement relates to file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of this title in respect of a security listed and registered on a national securities exchange; but such undertaking shall become operative only if the aggregate offering price of such issue of securities, plus the aggregate value of all other securities of such issuer of the same class (as hereinafter defined) outstanding, computed upon the basis of such offering price, amounts to \$2,000,000 or more. The issuer shall file such supplementary and periodic information, documents, and reports pursuant to such undertaking, except that the duty to file shall be automatically suspended if and so long as (1) such issue of securities is listed and registered on a national securities exchange, or (2) by reason of the listing and registration of any other security of such issuer on a national securities exchange, such issuer is required to file pursuant to section 13 of this title information, documents, and reports substantially equivalent to such as would be required if such issue of securities were listed and registered on a national securities exchange, or (3) the aggregate value of all outstanding securities of the class to which such issue belongs is reduced to less than \$1,000,000, computed upon the basis of the offering price of the last issue of securities of said class offered to the public. For the purposes of this subsection, the term 'class' shall be construed to include all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges. Nothing in this subsection shall apply to securities issued by a foreign government or political subdivision thereof or to any other security which the Commission may by rules and regulations exempt as not comprehended within the purposes of this subsection."

SEC. 4. Subsection (a) of section 17 of such act is amended by striking out "every broker or dealer making or creating a market for both the purchase and sale of securities through the use of the mails or of any means or instrumentality of interstate commerce", and inserting in lieu thereof "every broker or dealer registered pursuant to section 15 of this title."

SEC. 5. Subsection (a) of section 18 of such act is amended by inserting immediately before the comma following "any rule or regulation thereunder" the following: "or any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title."

SEC. 6. Subsection (c) of section 20 of such act is amended by inserting immediately before the period the following: "or any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title."

SEC. 7. Subsection (f) of section 21 of such act is amended by inserting immediately before the period the following: "or with any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title."

SEC. 8. Subsection (a) of section 23 of such act is amended to read as follows:

"(a) The Commission and the Board of Governors of the Federal Reserve System shall each have power to make such rules and regulations as may be necessary for the execution of the functions vested in them by this title, and may for such purpose classify issuers, securities, exchanges, and other persons or matters within



their respective jurisdictions. No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Commission or the Board of Governors of the Federal Reserve System, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason."

SEC. 9. Section 32 of such act is amended by striking out "Sec. 32." and inserting in lieu thereof "Sec. 32. (a)"; by inserting immediately before the comma following the phrase "filed under this title or any rule or regulation thereunder" the following: "or any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title"; and by adding thereto a new subsection (b), to read as follows:

"(b) Any issuer which fails to file information, documents, or reports pursuant to an undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title shall forfeit to the United States the sum of \$100 for each and every day such failure to file shall continue. Such forfeiture, which shall be in lieu of any criminal penalty for such failure to file which might be deemed to arise under subsection (a) of this section, shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States."

SEC. 10. All brokers and dealers for whom registration is in effect on the date of enactment of this act in accordance with rules and regulations of the Commission prescribed pursuant to section 15 of the Securities Exchange Act of 1934 shall be deemed to be registered pursuant to section 15 of such act, as amended by section 3 of this act.

SEC. 11. Nothing in this act shall be deemed to extinguish any liability which may have arisen prior to the effective date of this act by reason of any violation of section 15 of the Securities Exchange Act of 1934 or of any rule or regulation thereunder.

SEC. 12. This act shall become effective immediately upon the enactment thereof; except that clause (2) of subsection (f) of section 12 of the Securities Exchange Act of 1934, as amended by section 1 hereof, and subsections (a) and (d) of section 15 of such act, as amended by section 3 hereof, shall become effective 90 days after the enactment of this act, and that clause (3) of said subsection (f), as amended by section 1 hereof, shall become effective 6 months after the enactment of this act.

With the following committee amendments:

Page 4, line 25, strike out "heretofore been withdrawn or if such security is hereafter" and insert the word "been."

Page 7, line 6, after the words "pursuant to", insert "clause (1) of."

Page 9, line 14, after the words "or dealer", insert "whether prior or subsequent to becoming such."

Page 11, strike out lines 12 to 24, inclusive, and insert:

"(c) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security (other than commercial paper, banker's acceptances, or commercial bills) otherwise than on a national securities exchange, by means of any manipulative, deceptive, or other fraudulent device or contrivance. The Commission shall, for the purposes of this subsection, by rules and regulations define such devices or contrivances as are manipulative, deceptive, or otherwise fraudulent."

**THE SPEAKER.** The question is on the committee amendments.

The committee amendments were agreed to; and the bill as amended was ordered to be read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**THE SPEAKER.** The gentleman from Missouri [Mr. SHORT] is recognized for 5 minutes.

#### GOVERNOR LANDON, OF KANSAS

**MR. SHORT.** Mr. Speaker, it is absolutely inexcusable and wholly indefensible that any member of the President's Cabinet should at the same time act in the capacity of chairman of a great national committee, regardless of the political party to which he belongs. I was amazed this morning to read in the Washington Post a special dispatch from Grand Rapids, Mich., stating that last night Postmaster General Farley, who is also chairman of the Democratic National Committee, acting as chief dispenser of patronage, who is now ignoring his official duties and making trips all over the country in his private car while receiving the salary of the Postmaster General to defray his campaign expenses in trying to resell the New Deal to the people, referred to Governor Landon as "the Governor of a typical prairie State", and further went on to say:

I am not, of course, in possession of exact knowledge of why the Republican Party chooses to put him on a pedestal, but if I were permitted to guess, I would be inclined to believe that it was because he was elected Governor of a typical prairie State \* \* \*"

The clear and unmistakable insinuation of this, with his other statements, and the only inference or logical conclusion which can be deduced is that a citizen, or even a Governor, of "a typical prairie State" has such limited capacities and narrow vision as to disqualify him for the Presidency. Too bad for the people on the prairies!

Mr. Speaker, I want it thoroughly understood that as a Republican I am not advocating the candidacy of Governor Landon or any other individual as our nominee for the Presidency of the United States, because I am well aware of the fact that we have at least 100 men in the Republican Party eminently qualified for that high office.

**MR. WHITE** rose.

**MR. SHORT.** I refuse to yield in my limited time. If the gentleman from Idaho could answer questions as well as he can ask them, he would be a marvel. I do, as a citizen of a great prairie State, resent the slur and the slam which the Postmaster General has cast upon the citizens not only of the great prairie State of Kansas, but of the States of Oklahoma, Iowa, Minnesota, Missouri, Illinois, Indiana, and every other great prairie State of the Middle West. [Applause.] He asks who in the world was Alf Landon, and who knew anything about him 2 years ago. I retort, who in the name of God ever heard of Jim Farley 2 years ago? Of course, we knew he was a prize-fight promoter in New York, which fits him admirably to be Postmaster General, and we know now that he is deliberately employing brutal prize-fight tactics in attempting to Tammanyize this country. I admit that Alf Landon was born in a modest home of humble but of honest parentage. He was not born in a mansion of an illustrious family whose name was widely known. He was not born with a silver spoon in his mouth and educated by private tutors; from childhood he had duties to perform, responsibilities to shoulder, and was educated as other children in our public schools. When he goes fishing, being so plain and simple, he gets a cane pole and a can of worms instead of taking a trip on a million-dollar yacht of some social high light.

**MR. EKWALL.** And he gets some fish, too.

**MR. SHORT.** And he generally brings home the bacon. I know Alf Landon. I like and admire him. He lives only 60 miles west of my district. He is a man of unimpeachable integrity, of unquestioned honor, conscientious and faithful in the discharge of his duties, tireless and efficient in his work for the public good. In public and private life his character is above reproach. The only thing wrong with Alf, according to ruthless Boss Farley, is that he is "the Governor of a typical prairie State." If only he came from Hyde Park or New York City!

Maybe Big Jim is correct when he charges that Governor Landon is "a man destitute of experience", but the taxpayers of Kansas will remember that he, as twice Governor of the Sunflower Commonwealth, during the trying years of this depression, has cut the cost of State government, reduced taxes at the same time, and balanced the budget annually. And the taxpayers of New York will never forget that Franklin Delano Roosevelt, during the years of greatest prosperity, was inaugurated Governor of the Empire State with more than \$80,000,000 surplus in the State treasury, but left it with more than \$95,000,000 deficit. What Mr. Roosevelt has done since he became our first and last king the American people can never forget.

Strange, is it not, that the New Dealers already see the handwriting on the wall and begin attacking a prospective Republican candidate, even before he is nominated? Jim Farley fears not only Alf Landon's record of outstanding ability and rugged honesty but also his practical political sagacity and his popularity with the masses to which he belongs. The common people know that Landon has common sense and does what he promises to do.

Mr. Speaker, in 1932 I made about 20 or more speeches in Kansas for Alf Landon when he was first elected Governor, and the remarkable thing is he was elected in spite of my speeches, and in 1934 was reelected, when practically the entire Nation went overwhelmingly Democratic. Could Mr. Farley be afraid of the Governor's vote-getting ability?



However, I am not here to eulogize Governor Landon or to extol his virtues and accomplishments. He needs no assistance of mine, and I am not advocating his candidacy. Nevertheless, I shall defend him or any other prospective candidate on my ticket from scurrilous and unwarranted attacks. This outburst of Farley plainly shows that the New Dealers are panicky, for they realize this early in the game that whomever the Republicans nominate will sweep the country this November, as Democrats join Republicans in saving the Constitution and preserving America.

One thing I can assure the present ex-officio Postmaster General and chairman of the Democratic National Committee is that Alf Landon has honestly made a success of his own business, and as Governor for two terms of the great State of Kansas he has made a most enviable and remarkable record [applause] by keeping the promises he made and the platform upon which he was elected. [Applause.] He is not exactly like some men I know who care no more for their word than a tomcat cares for a marriage license in a back alley on the blackest night. [Applause.] Perhaps Mr. Farley thinks that because the people out in the Midwest live in the prairie States, as did Lincoln, who was never heard of very much before his elevation to the Presidency, they are all dumbbells, freaks, rubes, and hicks. I will admit that they go astray occasionally. We are prone to human weakness, and every 20 years we go crazy and cockeyed with the rest of the country. Kansas did that in 1916 when her people voted the Democratic ticket, because that party "kept us out of war." Kansas did it four years ago because her citizens were lured astray by New Deal promises. But you can fool us only once in 20 years. That may be our fault; but to fool us again—ah, my friends, you cannot fool us all the time, even though we live in prairie States. We are going to have another change this November. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. LUCAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LUCAS. I should like to know whether the gentleman from Missouri [Mr. SHORT] was making Landon's nominating speech? [Laughter.]

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 537. An act for the relief of C. O. Meyer;

S. 925. An act to carry into effect the findings of the Court of Claims in the case of William W. Danenhower; and

S. 1360. An act for the relief of Teresa de Prevost.

The message also announced that the Senate had adopted the following concurrent resolution, in which the concurrence of the House is requested:

#### Senate Concurrent Resolution 38

*Resolved by the Senate (the House of Representatives concurring).* That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 20th day of January next.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. NORBECK members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments", for the disposition of executive papers in the following departments, viz: Department of State, Department of the Treasury, Department of War, Post Office Department, Department of Agriculture, Department of Commerce, Veterans' Administration, Federal Trade Commission, Federal Reserve Board, United States Employees' Compensation Commission, Civil Service Commission.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate nos. 46 and 87, further insists on its amendments

nos. 24, 53, and 54 disagreed to by the House to the bill (H. R. 10630) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes", asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. McKELLAR, Mr. THOMAS of Oklahoma, Mr. NYE, and Mr. STEIWER to be the conferees on the part of the Senate.

#### FLOOD CONTROL ON THE MISSISSIPPI RIVER

Mr. DRIVER. Mr. Speaker, I call up House Resolution 516.

The Clerk read as follows:

#### House Resolution 516

*Resolved,* That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3531, an act to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928. And all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. DRIVER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RANSLEY] one-half of the time—30 minutes.

Mr. Speaker, I yield myself 10 minutes.

The adoption of the rule just read by the Clerk will make in order the consideration of the bill (S. 3531), which is prepared for the purpose of extending and completing the adopted project on the Mississippi River under the law of May 15, 1928. To those Members who were in the House at the time the bill was passed, the explanation I expect to make here will give very little information, but there is a large membership not here and possibly does not understand the Mississippi River project.

This map before you reflects only that portion of the Mississippi River in the alluvial valley extending from Cape Girardeau in Missouri to the Gulf of Mexico. That area comprises 20,000 square miles plus. The adopted project was designed to protect fully and adequately 12,000,000 acres of that land. The other portion of the area is comprised within the border line of Louisiana which cannot be protected. The backwater areas as marked in a heavier shade of green on this map which are at the intersection of the Mississippi River tributaries within the alluvial valley, together with the lands in the floodway, provided in the engineering plan which was adopted under that act, and an unprotected area in the State of Tennessee and a small area in the State of Mississippi which, because of the character of development entering into the value of the land there, may not be economically justified to levee.

From Cape Girardeau to the Gulf of Mexico it is 1,100 miles. From the date of construction of the first levee designed to protect the then founding city of New Orleans, in Louisiana, in 1717, the people of the valley have struggled to protect themselves against what was practically a major overflow every 5 years, and more frequently a minor overflow of that river. Those overflows come from waters between the Allegheny and the Rocky Mountains, and comprise 41 percent of this Nation's area, embracing all of parts of 31 States and part of two Canadian Provinces. That enormous watershed with its run-off made the situation in the valley very critical from the very beginning of development.

The levee construction beginning at that early period was an individual enterprise on the part of the local landowners. This continued until about 1880, when this area was organized into local taxing units under their State laws and levied assessments upon all of the property within the alluvial area;



issued bonds based upon the revenues inuring to those taxing units from the betterments assessed on the land, and started in an organized way to construct their levees. But as rapidly as the people in the valley were able to expend their money on these levees the development in this enormous watershed, comprising the Missouri River and its tributaries, the upper Mississippi and its tributaries, the Illinois and Ohio Rivers, gradually increased the run-off from that watershed, until we found ourselves loaded with the burden of the bonded debt, yet unable to fend against the ever-increasing flood heights, due to that accelerated run-off. So in 1917, under an act of Congress, the Government contributed in an effort to build these levees to a certain grade and section which at that time was thought to be sufficient to fend against any flood that was possible in that stream. That same contributing system continued under the amended act of 1923, and the levee construction continued, and in fact was the only means that we then relied upon to afford protection to that valley against this enormous volume of water which was imposed upon the channels of the lower Mississippi River.

In 1927, however, we suffered an unusually heavy flood in the Mississippi Valley. It broke through our defenses practically all the way from Cairo to the Gulf of Mexico. It destroyed many of the levees we had built during the course of all these years. It wrought an enormous destruction of property and of human life, and rendered 700,000 people homeless. It forced us to bring these people out of the valley onto high ground and care for them until the flood had passed. It awakened the country. As a result, the Flood Control Act of 1928 was passed by the Congress. That act was in conformity with the recommendations of the then Chief of Engineers, Gen. Edwin Jadwin, who recommended the construction of levees to a larger grade and section all the way through the valley; and in addition he recommended the auxiliary treatment of diversion for the protection of the city of Cairo in Illinois and its 30,000 inhabitants, just south of Cairo in the State of Missouri, 40 miles in length and 5 miles wide which would reduce the flood crest of the combined Mississippi, Missouri, and Ohio River waters so that that city could safely maintain a levee system for its protection. From there south to and including the vicinity of Arkansas and the White River tributaries, levees alone were designed to afford protection. South of the confluent point of the Arkansas and the White Rivers a diversion was recommended through which 1,000,000 cubic feet of water would be taken from the main channel and carried down to a point in the vicinity of the head of the Atchafalaya River in Louisiana.

[Here the gavel fell.]

Mr. DRIVER. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, the diversion at that point would carry through and follow the course indicated by the marker. This diversion would cover slightly more than 1,000,000 acres of land, the larger portion of which is highly developed, in the possession of enterprising people and farmed every year.

In order to effect the crevassing of the levees and bring the water out of the main channel into the floodway, a system of fuse-plug levees was recommended by General Jadwin and was responsible for delay in the execution of this project. The fuse-plug levee means a low section of levee which was designed to crevasse and carry the water out by natural means instead of by controlled and regulated structures; and then when thrown into this valley it would absolutely destroy everything beyond it.

They started on the execution of the project and with the exception of the large floodways the work has progressed to a point where practically the levee systems have been completed but nothing done on the floodways. Because of the dangers inherent in that plan, in 1931 the Flood Control Committee reported to this House a resolution requesting a review and a more thorough investigation into the adopted project and its engineering features. As a result there was

gathered together one of the most expert bodies of men that ever served this Nation. They spent 3 years making a thorough investigation into every feature of the adopted engineering project, and a year ago they brought this Congress their recommendation, and this recommendation is the foundation on which the pending bill was constructed. There are some differences. They changed the diversion from a point near the Arkansas and White Rivers and brought it south of that. Instead of there being 65 miles of fuse-plug levees they leave only 35 miles and afford protection of the affected lands by levees.

In this changed diversion, using but about 60 percent of the amount of land required by the originally proposed floodways, they propose to take through the diversion basin 1,000,000 extra cubic feet of water. That means 1,500,000 cubic feet of water will be taken out at a place called Morganza and head of the Atchafalaya River and carried through the Atchafalaya Basin, which is 150 miles nearer the Gulf than to follow the course around by New Orleans. In this bill is contained that recommendation with one exception. Section 5 of the bill carries with it the construction of a riverside reservoir at a point in the White River backwater area and the inclusion of the St. Francis and the Yazoo systems, the only two rivers that flow entirely within the alluvial valley.

The basis for the Government's assumption of the obligation of providing these structures to protect the valley from the floods was that the local residents had expended \$292,000,000 on the existing structures that enter into this plan, and they felt that that was a sufficient contribution to justify the Government obligation. At that time no consideration was given to these interior streams, although the people within the St. Francis and the Yazoo Valleys had paid equally, also those living in the particular White River project. Every acre of land in those areas had paid equally with every other acre of land that was protected under the provisions of that law. [Applause.]

[Here the gavel fell.]

Mr. RANSLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, the problem of eliminating the damage which comes from floods must necessarily appeal to every Member of the House. We all want to save property and life. I do not question the merits of this particular proposition. My purpose in rising is to question whether it is advisable at this time to make this large authorization of \$272,000,000. If we do not now realize it we will very soon appreciate that before we get through with the flood problem it is going to cost the Government billions of dollars.

Relief from floods is not only one affecting only the Mississippi Valley, but applies equally well to the New England States, the Ohio River Valley, Pennsylvania, and New York. They are all interested in this great problem of protection of life and property from flood. Mr. Speaker, I maintain we must consider this great subject in a comprehensive way. There is no real reason why a special bill, which affects only three States, should be considered. Why not wait until the complete program, which is pending in another branch, comes before us, and then we will have the full picture.

There is another point I want to stress. We should not go ahead and expend millions that may eventually end in useless waste. There is a reasonable doubt as to whether the flood-control problem should be best solved through spillway construction or reservoirs. The President has appointed a commission of inquiry, and a report, I understand, probably will be available in December. So I ask, why commit the Government to a program running several years and requiring a huge expenditure which might be regretted later? Furthermore, it is not necessary. We have been spending about \$35,000,000 a year for the relief of the Mississippi Valley, and at present there is an unexpended balance of \$53,000,000 available for the work. Surely the situation will not become more acute if we do not pass this



bill today. Let us wait and see what it will cost in the Ohio Valley, in New England, and the other States. Let us see what the whole program will cost.

Mr. Speaker, I am reminded of a statement that was made yesterday by the distinguished gentleman from Texas [Mr. BUCHANAN], who is chairman of the great Appropriations Committee. Said the gentleman from Texas [Mr. BUCHANAN]:

Furthermore, if we are to start on a general policy of conservation throughout the Union, I believe in equal opportunity and equal grants, if you want to call it that, or equal advantages, for every section in conserving its natural resources, and not have just one section picked out and favored.

Those are the words uttered by the gentleman from Texas [Mr. BUCHANAN] in discussing the Interior Department conference report.

Mr. SHORT. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Missouri.

Mr. SHORT. Of course, the gentleman will realize that the present bill is really an integral part of the original flood-control plan of the Mississippi Valley as covered by the act passed in 1928. The reason for the passage of that act was because the local interests in the Mississippi Valley from Cape Girardeau to below New Orleans had contributed \$292,000,000. This bill covers the Yazoo and St. Francis Basins, and the backwaters of the White River, included in the general program, and those districts have contributed their share but have received absolutely no benefit up to the present time.

Mr. MARTIN of Massachusetts. The gentleman understands, of course, that the Government is now asked to contribute for the right-of-way, whereas previously that expense was borne by the local communities.

Mr. SHORT. I understand that; and the district represented by our colleague the gentleman from Mississippi [Mr. WHITTINGTON] has been assessed a tax, and they no longer bear the expense.

Mr. MARTIN of Massachusetts. I cannot agree with the gentleman from Missouri [Mr. SHORT]. A new policy is being established here, and it is time for the Members of the House to consider whether they want to adopt this particular policy or not. I say when we adopt a new policy we should take into consideration that we are going to have a great flood problem presented to us eventually; so let us take the whole matter up at one time and not by piecemeal. That is fair, and it is right, and that is what we ought to do.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. Will the gentleman restate what the new policy is?

Mr. MARTIN of Massachusetts. Previously the local government contributed and paid for the right-of-way, whereas under this bill that expense will be borne by the Federal Government.

One of the great difficulties we are experiencing as a nation at the present time is that there are two or three different agencies spending money in the same field, as was stated very fully by the gentleman from Texas [Mr. BUCHANAN] in his speech of yesterday. You cannot have a consistent financial policy, you cannot bring the Budget into balance, and you cannot put this country on a sound financial basis until this power is vested in the Congress and Congress alone. The responsibility must be fixed. You cannot help by bringing in piecemeal legislation. Legislation must be brought in in a comprehensive way covering the whole problem. Let us give every section its fair share and proceed in an orderly, businesslike way to consider a great national problem.

Mr. Speaker, for the above reasons I hope the bill will be defeated. It may be said this only involves \$300,000,000, some will consider this just a bagatelle, but some day the American taxpayers are going to wake up to the fact the Treasury has been depleted and can be refilled only through back-breaking taxes. The Mississippi work will go ahead.

There is now an unexpended balance of over \$53,000,000 to carry it on. Let them go ahead with that amount of money until the needs of all sections are determined.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Is it not true, and the gentleman will find it is true if he cares to investigate, that while that amount has not been expended it is practically all obligated?

Mr. MARTIN of Massachusetts. It is part of the program and it will take all of this year to use up that amount of money.

Mr. WHITTINGTON. This includes the appropriation for the current year.

Mr. MARTIN of Massachusetts. They cannot spend \$53,000,000 in the rest of this year?

Mr. WHITTINGTON. No.

Mr. MARTIN of Massachusetts. Is that not enough to spend in one part of the country until we determine what the program of the Government is going to be?

Mr. WHITTINGTON. There was only appropriated \$15,000,000 for this year, and that is obligated.

Mr. MARTIN of Massachusetts. There is plenty of money available to go head with the project. Now let us stop any further commitments for several years ahead and wait until we see what the report of the committee of inquiry will be. That is the fair and honest thing to do. I hope the attitude of the House today will be to defeat this bill at this time.

[Here the gavel fell.]

Mr. RANSLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Speaker, we have heard a very fine explanation of the Mississippi Valley flood-control problem from the distinguished gentleman from Arkansas [Mr. DRIVER], and I do not know anyone who would be better qualified to outline the problems of that valley than the gentleman from Arkansas who has previously spoken. He has been on the Flood Control Committee for years. He understands the problem.

It has been my privilege to serve on that committee during the last session of the Congress, and at the last session we held extensive hearings on this very project, which are available. This is a far-reaching project, and I do not want to come before the House this afternoon and have anyone feel that I do not realize that this is a great problem that affects this particular section of our Nation. Under the act of May 15, 1928, we accepted this as a national problem, and we are going to continue to take care of that section. There is no question about that, but we bring in here today an amendment to that act which greatly increases our national responsibility in this area, and I believe we are bringing it in at a time when we are about to change the method of flood control in this country. I believe in the near future we are going to develop a comprehensive program of flood control which will originate at the source.

What is this bill? This bill is a floodway bill. The gentleman from Arkansas [Mr. DRIVER] has ably demonstrated the problem of this large section through here [indicating]. This is known as the Eudora floodway. What do we do at Eudora? In reality we make a new floodway, a new spillway, or in reality a new river, if you want to call it that, practically 10 miles wide, at a cost of \$103,000,000. Why do we do this? In order to protect this valley against the superfloods; not a flood like that of 1927, which was the greatest that has ever been recorded on the Mississippi River, but a flood 27 percent greater than the 1927 flood. The engineers in their testimony stated that we might have such a flood once in 125 to 250 years.

The question is whether we should at this time go ahead and erect these spillways and floodways when I believe—and I think the country believes—we are going to have a change in our method of flood control.

Now, you may ask what do we have to offer in the place of this floodway. I am going to make some suggestions,



and I am going to back them up by the testimony of the engineers. They are not my statements, but statements of competent Government engineers.

In the first place, the distance by the regular channel from the mouth of the Arkansas River to the Red River is 373 miles. By the establishment of bend cut-offs, which are now in existence, or which they have been constructing in the last 2 years, they have reduced this distance to 273 miles. Think of it! A 100-mile reduction in the distance by bend cut-offs. What does this mean in connection with the floodwaters of this area? General Ferguson has testified before our committee that it means a reduction of several feet in the floodwater. General Markham admitted it would be a reduction of 2½ feet in that territory, and I am going to read for your information a statement made by General Ferguson.

Now, who is General Ferguson? He is the president of the Mississippi River Commission and is the man who is in charge of this work right now, representing the Chief of Engineers, in constructing these projects; and on April 8 of this year he made a statement at New Orleans, and I am quoting a portion of it from the Times-Picayune of that city:

We have obtained results we can measure now to the point where we know we can make the Mississippi River use its own energy to straighten its banks and keep them straight where they need straightening; to build sandbanks where they are needed and cut them away where they should be removed; to carry its own load of water and solid material in solution to the sea much faster than ever before.

Now listen to this:

I believe we have the answer to the river problem this Nation has been trying to solve for more than a century. I see no need for the lower valley to worry about the river any more, and I see every reason for the people of the lower valley to go about their daily affairs with the thought of any danger from the river completely dismissed from their mind.

This is the statement of General Ferguson.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CARLSON. I would rather not yield until I have concluded my statement.

Mr. WHITTINGTON. I am sure the gentleman wants to quote General Ferguson correctly, and I simply want to call his attention to the telegram he sent the committee.

Mr. CARLSON. I refuse to yield now, Mr. Speaker. I shall be pleased to yield later on.

I have mentioned the bend cut-offs. We have proved this will reduce the floodwaters of this river at least 2½ feet, and some engineers say as much as 5 feet.

We have another proposal that we believe will reduce the floodwaters throughout this area, and that is by the construction of reservoirs on tributary streams.

A report has been made on 13 reservoirs on the Arkansas River and 13 on the White River, a total of 26 reservoirs. These reservoirs cost \$126,000,000. Remember, now, that the Eudora floodway costs \$103,000,000. These reservoirs, according to the testimony of General Markham, will reduce the flood flow or the flood stage more than 4 feet. Some engineers have estimated it at more than that, but General Markham says it will be over 4 feet.

Now, at a cost of \$126,000,000 we get a reservoir system, which is much more valuable than a floodway—and who knows what the economic value of these reservoirs throughout this midwestern section and how much more important are they than the difference between \$103,000,000 and \$126,000,000?

Please do not think for a moment that I want to create the impression that these 26 reservoirs will reduce the flow of water as much as the Eudora floodway. They will not; but bear in mind that this floodway is built for a super-flood, a flood we have never had and do not expect to have and hope we shall never have.

But consider the economic value of the 26 reservoirs in the midwestern section.

Secretary Wallace has stated that we have 30,000,000 acres of land in the Middle West which is of great concern to our

National Government because of drought conditions. This is one way to protect the Mississippi Valley and save the central section of the United States from great droughts, and which concerns everyone.

It seems to me that at this time we should not go ahead and construct the Eudora floodway until we have had further study.

Let me read you a statement. My belief is that we should wait on this program. It is stated that we have \$53,000,000 unexpended for this work. Let us spend that before we authorize at least \$272,000,000 additional. I am quoting from the Associated Press under the date of April 20 of this year:

Starting an exhaustive study of the country's 15 major drainage basins, Interior Secretary Harold L. Ickes yesterday asked the co-operation of local authorities in preparing a National Resources Committee report on steps needed to prevent floods.

The statement referred to the National Resources Committee which is expected to report next December.

I think we should fully realize the great expenditure we are making—\$325,000,000.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. RANSLEY. I yield the gentleman 10 minutes more.

Mr. CARLSON. It is not my intention to use the 10 minutes, but I want in conclusion to ask Members of the House seriously to consider that before we authorize this expenditure if it does not think it would be policy on the part of the Federal Government to study further before carrying out this program? I sincerely believe that in the next 2 years the engineers in our Army will be recommending reservoirs for the control of these floods and that that will be beneficial throughout this section.

Mr. DISNEY. Will the gentleman yield?

Mr. CARLSON. I yield.

Mr. DISNEY. The engineers have recommended reservoirs on the White and the Arkansas Rivers, have they not?

Mr. CARLSON. That is correct.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I am much interested in the discussion by the gentleman, which has been exhaustive and learned. As I understand, there is no great necessity, no great emergency involved in this construction.

Mr. CARLSON. Personally, I do not think there is.

Mr. JENKINS of Ohio. This is an addition to and outgrowth of what we have done in the Mississippi Valley in improvements since 1927.

Mr. CARLSON. That is right.

Mr. JENKINS of Ohio. The gentleman has advanced something in which I am much interested, having stressed the difference between the policy involved in this construction and some other construction. I should like to ask if the gentleman had in mind the bill now pending in the Senate, and which they were discussing yesterday, and perhaps today, involving the expenditure to prevent floods in the Ohio Valley and in different parts of the country which were so disastrous 3 or 4 months ago?

Mr. CARLSON. I do have that in mind, and I think the bill which we passed in the last session of Congress was no doubt in the mind of the President when on January 30 of this year, in his message to Congress, he said:

We have grown accustomed to dealing with great rivers, with their problems of navigation and of power and of flood control, and we have been tempted to forget the little rivers from which they come.

Mr. JENKINS of Ohio. What does the gentleman think of this apparent conflict? As I understand it, the bill pending in the Senate, which has attracted Nation-wide attention—delegations from all parts of the United States having been here this week—is turning on the point of how much local residents will participate in the payment of improvements. That is a question which has been debated very bitterly and exhaustively in the Senate. It appears now that that is going to be the controlling factor. In other words, it is likely that they will come to the conclusion that there will be no improvements made anywhere tending to



prevent floods unless the local communities bear at least one-half of the expense of purchasing the land and providing for the damages. If that is the case, and we are to be confronted in a few days with that bill, after we have passed this bill, we will be in the position of being confronted with two diametrically opposed propositions. In other words, the people of one section of the country will have all of their damages paid by the Federal Government, while in other sections of the country they will compel people to pay one-half of the damages and one-half of the expense of the land.

Mr. CARLSON. I thank the gentleman for his contribution, and no doubt that will be brought out later in the discussion.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. CARLSON. Yes.

Mr. DISNEY. That bill, while it originally contained the 13 projects on the White and the Arkansas Rivers, does not now contain those projects or at least all of them.

Mr. CARLSON. That is correct. The Senate bill does not contain them all. The bill as it passed the House did contain those 26 projects. The bill has been amended in the Senate and is up for consideration today, and I understand that those projects will not be included.

Mr. DISNEY. That bill carries a provision which will make the communities contribute at least 50 percent of the cost.

Mr. CARLSON. Yes.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman permit me to ask a question of the gentleman from Oklahoma?

Mr. CARLSON. Yes.

Mr. JENKINS of Ohio. These dams and reservoirs to which the gentleman from Oklahoma refers as being in Oklahoma are in the White River Valley?

Mr. DISNEY. The White River and the Arkansas River.

Mr. JENKINS of Ohio. And what does this bill provide as to who shall pay for the damages and the land in that territory?

Mr. DISNEY. They are not in this bill. We propose to offer an amendment to put them in.

Mr. JENKINS of Ohio. What will the amendment provide with reference to that?

Mr. DISNEY. The same terms as in this bill.

Mr. JENKINS of Ohio. That is, the Government should pay all of it?

Mr. DISNEY. Yes.

Mr. JENKINS of Ohio. And if we should pass the gentleman's amendment and this bill with his amendment, and the Senate should pass the bill over there which they have agreed on so far as the damages are concerned, we will be confronted with this situation, that rights-of-way and damages incident to the construction of reservoirs in one section of the country will be paid for wholly at the expense of the Government, and in another section the communities will pay half of them.

Mr. DISNEY. Then it is up to the Congress to determine what is flood control.

Mr. DRIVER. Mr. Speaker, will the gentleman yield?

Mr. CARLSON. Yes.

Mr. DRIVER. The gentleman does not intend to say that the Government is paying all of the expense, particularly in respect to the operations on the Mississippi River. The gentleman is aware that the local people have contributed \$41,000,000 while this project is under execution.

Mr. CARLSON. That is correct. The gentleman makes a correct statement, and we must bear in mind, if we adopt this bill, the Government will furnish flowage rights on three floodways. They will furnish the reservoir rights-of-way mentioned in this bill; therefore I think we are advancing a new policy of flood control even in that area.

Mr. Speaker, I shall conclude by reading a statement of General Markham with regard to the expenditure of funds in the Mississippi Valley. This was made before the Senate committee and will be found on page 44 of the Senate hearings:

I do not think it is improper for me as Chief of Engineers to refer to the fact, quite anonymously, the more expenditure the Federal Government makes in the lower Mississippi Valley the more obligations it picks up. It seems to me as though Congress ought to know what the limit is.

I believe it is our duty to bear in mind the expenditures at this time.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CARLSON. Yes.

Mr. WHITTINGTON. Is it not a fact that that statement was made before this bill was amended in the Senate so as to meet the very argument of General Markham included in that statement?

Mr. CARLSON. That is correct, but they have been only partially met.

Mr. WHITTINGTON. But he says it satisfies him. The general has stated to our committee and to the gentleman that that particular section to which that referred has been amended and he is satisfied.

Mr. CARLSON. That is correct. I yield back the remainder of my time.

Mr. DRIVER. Mr. Speaker, I have listened with considerable interest to the very fair statements presented by my colleagues from this side. I claim to be the original reservoir advocate for flood control, because I developed to the very best of my ability the influence of reservoirs on the minor streams as they would control the floodwaters in the Mississippi River. I find this to be true, that from the standpoint of reservoir control we are absolutely beyond the pale of recognition, and I do not believe that any Member of this House will seriously contend to the contrary. After thorough engineering investigation, headed by a man whom I know to be one of the most expert of those connected at any time with this wonderful aggregation of Army Engineers, Capt. William Kelly, it was found that it would cost \$1,120,000,000 to effectuate control of the floods in the Mississippi Valley that we are undertaking to deal with now on the basis of \$500,000,000.

Some allusion was made to the influence of reservoirs on the Arkansas and White Rivers. Those two rivers run right through my State. I do not take my hat off to a single man on this floor in my serious concern for the development and protection of the valleys of those streams. I want to see them protected, and I am ready to go to any reasonable extent to bring it about, but there is no use kidding ourselves about this matter. When we include the Arkansas and the White Rivers in this bill we might as well kick it out of the door. The strategy of the opposition to this bill will be to adopt amendments in order to effectuate that purpose. This bill cannot carry a greater load than it carries for the protection of the Mississippi alluvial area. The original project was designed for that purpose. It was separated from the other rivers of the Nation. Why? Because of the extraordinary burdens that were imposed upon that very narrow area by the great population and interests of approximately half of the Nation. If you place one hundred and twenty-six million additional dollars on this bill for reservoirs in the White and Arkansas Rivers, I dare any man to point to an engineering statement in this Record that does not say that, notwithstanding the expenditure of one hundred and twenty-six additional million, you will be forced to expend the same sum they recommend in this bill. Why? This is not disputed. If the flood of 1927 had been confined at Arkansas City, the junction of the White, the Arkansas, and the Mississippi, a difference of 12 feet would have occurred on the gage at that point. Take 4½ instead of 4.2 and take 2½ and you have 7 feet. You must have 5 feet more in order to avoid the use of the proposed floodway. It will cost just as much to put the floodway to carry that additional amount of water as it would under the estimate on this project. Then why load it down if it cannot effectuate the purpose?

This bill carries three projects within the valley. I just started to explain it to you previously when my time expired. I gave you the reason for the inclusion of these two. There is one project in the White River area. I want to make a brief explanation of that. The president of the Mississippi River Commission and the landowners affected,



who are extremely anxious to receive protection for 136,000 acres of land, which is developed, worked out with the president of the river commission, protection of that land for a riverside reservoir, the most effective on earth, containing a sufficient amount of water from the flood crest to make a desirable impression, a factor of safety at Arkansas City. The Chief of Engineers says that he did not recommend that project because of the law which requires one-third contribution on land of that sort, but it was the result of the directing force in the Mississippi Valley that that was worked out. These lands paid just exactly the same as every other acre of land in the St. Francis and Yazoo Valleys to the structures on the bank of the Mississippi River to protect these lands which do not afford any protection because of shutting off drainage and bringing the drainage from that area, which floods these channels until they cannot protect themselves. In the St. Francis those people paid \$11,000,000 in addition to what these people pay on the Mississippi River structures.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. I yield.

Mr. JENKINS of Ohio. I am very much interested in the gentleman's discussion, because he indicates he knows what he is talking about. This other bill that we have talked about in the Senate seems to be a flood-control bill that is going to take care of projects more or less scattered all over the country. That is probably for the reason that this year was a very disastrous year for floods. However, in the Ohio Valley we have projects that have been approved by the Army Engineers, which call for the construction of a great many reservoirs. When those reservoirs are completed they will take 8 feet off of the flood crest of the Ohio River.

Mr. DRIVER. That is at Pittsburgh.

Mr. JENKINS of Ohio. No. Down in my section. I am coming to that. I mean down in my section. I live 250 miles below Pittsburgh. It will take 8 feet off of the crest of the Ohio River flood at that point. The gentleman recognizes that before that flood reaches our country it has gone through many towns and it has devastated a great many cities. Your territory is largely farm land. The territory which is damaged in our section includes cities and municipalities and higher-priced land. If this other bill is passed and the construction of these dams takes 8 feet off of the flood on the Ohio River, what effect will that have upon your area?

Mr. DRIVER. If all of the waters beyond Pittsburgh in the Ohio, beyond Minneapolis in the upper Mississippi, and beyond Sioux City in the Missouri were entirely removed from the river it would not make a difference of 12 inches in the flood crest anywhere south of Cairo; it does not have that effect. The most desirable reservoir site is in the Arkansas and White Rivers, where the cost is estimated at \$126,000.00. If you tried to get the same influence from the same number of reservoirs elsewhere you double the amount of money per reservoir.

Now, Mr. Speaker, hurriedly, the people in the Mississippi Valley have furnished the land for the levees. They have expended \$41,000,000 for this purpose in addition to the \$292,000,000 on which the national obligation was based since the 1928 act was placed in operation. The only place that the Government furnishes the flowage rights—not the land, but the flowage rights—is for the proposed floodways to divert from the river 1,000,000 feet below Arkansas City and 1,000,000 down at Morganza.

You talk about reservoirs; I should like to see them in every stream in the Nation. They have local social values beyond estimate; but can we wait on that with the menace of these floods that are likely to wipe out the valley again?

My colleagues from Massachusetts have that little wild river the Merrimack. That is a project in the bill now pending in the Senate and will be passed and put into execution at once by the engineers. Also, the Connecticut River and the rivers in Ohio and Pennsylvania—those emergent streams are the ones that must be taken care of. We cannot close

our eyes to these menaces; we are bound to provide for their control. We must realize the duty and the responsibility we owe to the people in these devastated areas, and treatment cannot be delayed in deference to impending dangers.

Mr. THOM. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. I yield.

Mr. THOM. In the program so far carried out in the Mississippi Valley has any reservoir been built?

Mr. DRIVER. None whatever. Further, I may say that under the original authorization of \$325,000,000 for the Mississippi River flood project \$90,000,000 was for navigation and not flood control, and practically \$70,000,000 has been expended by the Government out of the \$325,000,000 authorization contained in the bill for such purpose.

Mr. THOM. May I continue my inquiry?

Mr. DRIVER. Yes.

Mr. THOM. I am to understand, then, that provision for the completion of the reservoirs in the Mississippi Valley project is contained in the bill?

Mr. DRIVER. The authorization for it; yes. If the engineers can see where they can shift from the levee system to the reservoir system they are authorized to do so; it is within their discretion and judgment.

Mr. THOM. Am I to understand further that the land for these reservoirs is to be furnished by the United States Government?

Mr. DRIVER. No; not in the St. Francis project; and in order to verify that I want to call on my colleagues from Missouri. Is it not a fact that the project provides that in the use of reservoirs the expense cannot exceed what the use of levees would require?

Mr. ZIMMERMAN. The gentleman is correct.

Mr. THOM. Let me call the gentleman's attention to page 3 of the bill, where reference is made to the St. Francis River. The language here is—

And the acquisition at the cost of the United States of all lands and flowage necessary to the construction of said reservoir.

Mr. DRIVER. Read further.

Mr. THOM. Except flowage of highways.

Mr. DRIVER. Read further and the gentleman will find that provision is made that it shall not cost the Federal Government one cent more than the levee system.

Mr. CULKIN. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. I yield.

Mr. CULKIN. I notice the majority report refers to this bill as embodying the Markham plan.

Mr. DRIVER. Yes; General Markham, the present Chief of Engineers, made the report for the expert board that studied the subject for 3 years.

Mr. CULKIN. Does the Chief of Engineers recommend this plan in his report?

Mr. DRIVER. Absolutely; everything in this bill is recommended. This is an engineering plan we are adopting as a modification to the adopted project of 1928, except as to this feature here at White River, which was worked out with the executing commission, the Mississippi River Commission headed by General Ferguson; but because of the requirements of the law for one-third contribution on tributary streams he said he could not approve that project. He overlooked, however, the fact—and I want to impress this on the gentleman—that those lands were in exactly the same attitude as the other lands he recommended for inclusion in order to afford the protection they had paid for but were denied.

Mr. CULKIN. But the gentleman does say that General Markham specifically recommends the enactment into law of the pending bill?

Mr. DRIVER. He does. This is a bill to carry his recommendations into execution. Now, they talk about waiting. Gentlemen, we cannot wait on these matters. We cannot wait on the Merrimack. That is in the project bill. There is not one single project in that bill that was not recommended by the engineers and can fit in and coordinate with the complete treatment for the rivers from which they were gathered when it becomes necessary to deal in a compre-



hensive way with flood projects in connection with various streams.

Mr. RICH. Will the gentleman yield?

Mr. DRIVER. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does the gentleman mean to say that General Markham agreed to section 5 of this bill?

Mr. DRIVER. I made an express statement in regard to that matter and I believe every Member but my friend from Pennsylvania understood me. I pointed to the map, and I said he recommended everything except the White River project, and fully explained the circumstances connected with it.

[Here the gavel fell.]

Mr. DRIVER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

#### PERMISSION TO ADDRESS THE HOUSE

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on Monday next after the reading of the Journal and disposition of matters on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

Mr. SCHULTE. Mr. Speaker, reserving the right to object, Monday next is District day. We have never had an opportunity to discuss District bills.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

#### FLOOD CONTROL ON MISSISSIPPI RIVER

Mr. WILSON of Louisiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3531) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries", and for other purposes, approved May 15, 1928.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3531, with Mr. FLANNAGAN in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. WILSON of Louisiana. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the general purposes of the pending bill have been thoroughly stated and made clear. This bill is offered to complete an adopted project involving the greatest engineering problem ever undertaken by the United States Government or any other country. The purpose of the bill is to carry on to completion the project through the same organization that has carried on the execution of the project since 1879, when the Government joined in the work of flood protection on the Mississippi River. After the disastrous flood of 1927, the Federal Government assumed responsibility for protection of the alluvial valley of the Mississippi River, admitting and declaring that it was a national obligation. In that statement, of course, there was given as one reason for the final completion of these projects as a national obligation the fact that the local interests involved had spent \$292,000,000 since that time, and they have spent more than \$41,000,000 in cooperating with the Government since the adoption of the act of 1928.

When the 1928 act was passed, it was admitted and generally understood that there would probably be changes in the final execution of the projects, and that reexaminations and resurveys would be required. House Document No. 1 is the result of a resurvey and a reexamination which covers a period of 3 years. It shows a saving to the Government if the original projects had been carried out as recommended.

Mr. Chairman, when I had the honor of becoming chairman of the Committee on Flood Control of the House, I consulted with the Chief of Engineers and the Secretary of War, and prepared a resolution asking for a complete reexamination and review of the engineering features of the projects so that a recommendation might be made covering changes, if any, that should be made in final execution. Gen. Lytle Brown was then Chief of Engineers, and in a very aggressive way, he went forward with this work. He set up an independent board composed of Gen. Harley B. Ferguson, now president of the Mississippi River Commission; Col. George R. Spaulding, Corps of Engineers; and Mr. Marston, school of engineering, Iowa State College.

After continued work, and after the expenditure of some four or five million dollars, cutting off bends in the main channel of the Mississippi River, dredging and increasing the discharge of the water into the Gulf of Mexico through the Atchafalaya River, they came back, through the present Chief of Engineers, who aggressively went forward in the same way, and presented this report covering the final execution of that great project. Extended hearings have been had. I have worked in every way to get a thorough review of the matter. I have tried to get every fact before the engineering authorities. We have taken up the matter of floodways and reservoirs. I have done all this so that I could come to Congress with a frank statement on a great national problem. We have collected the data and now recommend legislation to complete this project.

After the report was submitted the differences that arose in the hearings were thoroughly discussed, first as to whether or not we might substitute reservoirs for the floodways. After the hearings the Chief of Engineers and the Mississippi River Commission still recommended that although you might construct reservoirs in the White and Arkansas Rivers, in connection with the flood of 1927, not the superflood, if the reservoirs were constructed and in operation, with channel enlargements by cutting off the bends in the river, it would still be necessary to use the Eudora floodway in case of a flood of 1927 volume, and in the superflood it would be necessary to carry out an even greater amount of water.

Mr. Chairman, there is no way to carry on this project to completion except as recommended and approved by the agency set up for its execution by the Government. We will either have to follow them or else we will get nowhere.

Mr. ANDRESEN. Will the gentleman yield?

Mr. WILSON of Louisiana. I yield to the gentleman from Minnesota.

Mr. ANDRESEN. Will the gentleman advise the Members of the House how much money was authorized in the act of 1928, and how much money has been spent out of this original authorization?

Mr. WILSON of Louisiana. Three hundred and twenty-five million dollars was authorized by the act of 1928, and all except about \$53,000,000 has been expended. About \$15,000,000 is now in allotment.

Mr. ANDRESEN. Have any reservoirs been constructed with that \$300,000,000?

Mr. WILSON of Louisiana. No.

Mr. ANDRESEN. Just floodways?

Mr. WILSON of Louisiana. No floodways have been constructed. There has been some levee construction, channel enlargement, and some \$80,000,000 or \$90,000,000 has been spent for improvement of the river for navigation purposes.

Mr. ANDRESEN. How much additional money will be required or does this bill carry by way of authorization to complete the program?

Mr. WILSON of Louisiana. Two hundred and seventy-two million dollars.

Mr. ANDRESEN. Will any additional funds be needed after the money that is provided in this bill has been expended?

Mr. WILSON of Louisiana. No; according to the recommendation of the engineers this will complete the project.



Mr. ANDRESEN. It was my understanding in 1928, when we authorized the expenditure of the \$325,000,000, that that would do the work down there.

Mr. WILSON of Louisiana. No; my friend is mistaken about that.

Mr. ANDRESEN. I was here and voted for it.

Mr. WILSON of Louisiana. The general estimate at that time for the final completion of the project was \$775,000,000, and I may also add that the \$325,000,000 referred to included some \$80,000,000 for improvement of navigation, and the gentleman cannot find anywhere one word of complaint about the expenditure of this money. It was expended for the very best purposes and in a most economical way.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield for a question?

Mr. WILSON of Louisiana. Yes.

Mr. JOHNSON of Oklahoma. Is it contemplated under this bill that any reservoirs will be constructed, or is it proposed to spend all the money on the lower Mississippi in the building of dikes and levees and floodways?

Mr. WILSON of Louisiana. And on floodways; yes.

Mr. JOHNSON of Oklahoma. Is the construction of any reservoirs contemplated under the measure?

Mr. WILSON of Louisiana. No; except on the Yazoo and the St. Francis, and that is in the discretion of the Chief of Engineers.

Mr. JOHNSON of Oklahoma. Those of us who live on the upper reaches of the Mississippi are interested in flood control on the Mississippi, but we are also interested in flood protection on the Arkansas and other tributaries, and we feel this can be done only by the construction of reservoirs. We are interested in real flood control.

Mr. WILSON of Louisiana. I am too.

Mr. JOHNSON of Oklahoma. And we want to see some reservoirs started while we are spending this money.

Mr. WILSON of Louisiana. The statement was made, I believe, by the gentleman from Ohio, that this is not an emergency project. Mr. Chairman, the most important emergency in connection with this flood-control project is the Atchafalaya Basin. If you will notice this map you will see that these flood waters, whether they come down through the main channel or whether they come through floodways, from all the tributaries and all the streams that make up 41 percent of the area of the United States, they must accumulate at this point [indicating] and from that point down is the Atchafalaya Basin, to carry the water safely to the Gulf, a distance of 90 miles. I say that this project is more of an emergency than anything you can imagine with reference to flood control.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield myself 3 more minutes.

This is the only opportunity we have to carry this project to completion with the approval of the Secretary of War and the Chief of Engineers with respect to the engineering features and the allotment or expenditure of the money, because when the Senate first started out on this bill they put in a provision that there should be just compensation paid for the land flowage rights over the floodways. The Secretary of War sent up an unfavorable report because he said there must be a definite yardstick with respect to the expense.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Louisiana. I yield.

Mr. GREEVER. Reference has been made to the amount of money that has been contributed by the districts or by the States contiguous to this flood-control area. How much money is that?

Mr. WILSON of Louisiana. Prior to the Flood Control Act of 1928, the local interests had spent \$292,000,000 in furnishing rights-of-way to construction work. Since then they have spent something over \$41,000,000 and they are still to furnish the rights-of-way for levee foundations on the main channel of the Mississippi River. So they have spent more than \$300,000,000.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield for a brief question?

Mr. WILSON of Louisiana. I yield.

Mr. JENKINS of Ohio. The gentleman stated a while ago that the original appropriation was \$320,000,000.

Mr. WILSON of Louisiana. Three hundred and twenty-five million dollars.

Mr. JENKINS of Ohio. Practically all of that money has been spent or allocated. Was it contemplated that the money appropriated at that time would be sufficient to complete the projects that were actually contemplated then?

Mr. WILSON of Louisiana. No; there was to be an allotment from year to year for levee construction and channel improvement.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. MILLER].

Mr. MILLER. Mr. Chairman, in the time allotted to me—

Mr. RICH. Mr. Chairman, I do not want to make a point of no quorum but I should like to ask the majority if they will not get Members in here to hear this important discussion. Here we have only about 50 Members on the floor of the House to hear this important legislation discussed.

Mr. BLANTON. Mr. Chairman, I make the point that there are only 18 Members on the Republican side.

Mr. RICH. And there are only 30 Democrats on that side. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and five Members are present, a quorum. The gentleman from Arkansas will proceed.

Mr. MILLER. Mr. Chairman, I should like to have the privilege of explaining some facts which I know the House is entitled to in regard to the flood-control problems of this country. I am as much interested in the solution of the flood-control problem as any man can be and I am doubly interested to see that it is solved in a proper and constructive manner. I do not intentionally mean to make any misquotations. I should like to have the attention of the House in order that they may see what we are doing.

This bill deals with the middle section of the Mississippi River from the mouth of the Arkansas and White Rivers south.

Primarily it is based on the report of General Markham in Committee on Flood Control Document No. 1, House of Representatives, Seventy-fourth Congress, first session, which modifies the original Jadwin plan adopted in 1928, when \$325,000,000 was authorized for work on the Mississippi flood-control problem.

In addition, here is what we do. Under one section of this bill we appropriate \$48,000,000 to take care of the Yazoo River system, to build seven reservoirs on the Yazoo. We appropriate \$16,000,000 for work on the St. Francis, which may be expended for levees or for reservoirs.

For the Yazoo all expenses for reservoirs are to be paid by the Government except damages to highways.

In other words, \$16,000,000 is to be expended on the St. Francis Basin, which may be for reservoirs or levees according to the discretion of the engineers. There is an expenditure of \$16,000,000 plus \$48,000,000, which makes \$64,000,000.

These two projects in the bill will lower the flood heights of the Mississippi River 9 inches and will cost \$64,000,000. That is what you do. I am not opposed to these reservoirs. I think the only way in the world that we are ever going to control the floods on the streams is by controlling them at the source. But that is what we are doing. We are spending this \$48,000,000 and this \$16,000,000 for either reservoirs or levees and reducing the flood heights in the affected area 9 inches. That is all. I shall propose an amendment as section 1 (a) to this bill to construct 26 reservoirs in a



watershed comprising 183,300 square miles of territory, 13 reservoirs on the Arkansas and its tributaries, and 13 on the White and its tributaries. There is no dispute about what effect these proposed reservoirs will have on the flood waters. General Markham says it will reduce the flood heights 4.2 feet, and other engineers say more. Mind you, those 26 reservoirs are a portion of the comprehensive reservoir report filed by the Chief of Engineers in 1934.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. RICH. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. MILLER. They talk to you about the Mississippi River project and about its being an adopted project of Congress. It is—but why? Simply because the Congress did in fact adopt it. As a part of this 1928 act we also provided that the engineers should make a comprehensive survey of this country for the purpose of permanently controlling the flood waters. That survey has been made in the Mississippi Valley. Here is your map, with 151 reservoirs, at a cost of \$1,125,000,000 for the control of the flood waters in the Ohio and every tributary of the Mississippi Valley. The question is, When we shall have spent this \$272,000,000 here together with what we have already expended, added to what the local people have spent, we will have spent \$1,000,000,000 on the lower Mississippi, and what have we accomplished insofar as the tributaries and insofar as the real territory of the Nation is concerned? In 1879 the Congress created the Mississippi River Commission. In 1883 this Commission established a levee line from Cairo, Ill., to New Orleans on the Mississippi. In 1898 it raised the grade on the levees 5 feet. In 1914 it raised the grade an additional 5 feet, and in 1928 it was found that the grade was entirely too low by several feet. The purpose and the policy has been to build levees, levees, levees—and who is paying the bills? I appeal to you men who live in the tributaries of this river. I am offering an amendment here that will protect, according to General Markham, 183,300 square miles of territory, not much of it in Arkansas, much of it in the Northwest, but it will protect them, according to him, and solve their local problems and at the same time it will solve this problem down here. I do not want to do the people in the lower Mississippi Valley an injury, but I do not want the people in the tributaries to suffer longer. They talk to you about floods in the lower Mississippi. They did have a flood in 1927, but I call attention to this comprehensive report, in which it says that the so-called superflood will possibly occur once in a hundred years, while the floods in the tributaries occur three and four times a year. The damage in the White River Valley alone in 1927 was \$18,000,000; in 1928, \$3,000,000; and in 1929, \$7,000,000; and this is every year.

My people plant crops as often as three and four times a year. I ask you, How long can this Nation survive if its people living in the tributaries are to be utterly disregarded? They talk to you about the necessity of not touching this bill, that if you touch this bill something will happen to it. I ask you, Who is directing the destinies of this Nation? Is it the bureaus and the departments, or is it the Congress? I ask you to exercise your own common sense. Let me go back a minute and discuss these proposed reservoirs. I call attention to page 4 of this comprehensive report in which the Chief of Engineers says:

The group of 26 reservoirs in the Arkansas and White are by far the most effective in controlling the floods on the main stem of the Mississippi River.

And the time is coming, gentlemen, just as sure as we are sitting in this House today, if you are here 10 years from now, when you will vote for an appropriation to erect these 151 reservoirs in the Mississippi Valley. If we can erect these 26 now, and it is said that is the best group of them for the protection of the valley down here, we should do it, because these rivers empty into the protected territory, and I appeal to you to make a start. In this flood-control Document No. 2, General Markham says:

The reservoirs on the White would control 50 percent of the drainage area of that tributary; those on the Arkansas would control 55 percent of its total flood-producing area.

That area is 183,300 square miles.

The president of the Mississippi River Commission, in a report dated April 24, 1935, which is attached hereto, presented estimates of the effect—

Mr. NICHOLS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. I make the point of order, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum. The gentleman from Arkansas will proceed.

Mr. MILLER. Mr. Chairman, reading further from this report of General Markham:

The operation of the 26 reservoirs in the Arkansas and White River Basins would, it is computed, have reduced the flow by 330,000 second-feet, with a corresponding reduction in a confined flood stage of 4 feet.

Then that report is concluded with this recommendation:

My recommendation as to the use and value of the reservoirs on the Arkansas and White Rivers for controlling floods in the Mississippi Valley is that their construction and operation will increase the safety of the alluvial valley of the lower Mississippi River against flood, besides affording a large measure of flood protection in the White and lower Arkansas Rivers, but that these reservoirs cannot be relied on to prevent a flood which will overtop the levees unless a relief outlet is provided.

What is that flood that is going to overtop the levees? In Document No. 1, hereinbefore referred to, at page 6, he says it is the so-called superflood that will have more than 2,000,000 second-feet passing Arkansas City. This report shows that that flood will occur once in a hundred years. It is true it occurred in 1927.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. GRISWOLD. Is it not also true that General Markham said, in testifying before a Senate committee, that the flood of 1927 came out of the Arkansas River and White River?

Mr. MILLER. Yes; he said that, and it is true. Everybody knows that the Arkansas and White Rivers are the worst acting rivers in the entire Mississippi Valley, insofar as floods on the Mississippi River are concerned. Then you tell me that merely because a bill deals with the lower Mississippi we should not undertake to do anything for the Arkansas and White Rivers, when they empty right into the affected territory?

There is a section in this bill, section 5, called the White River Reservoir; but do not be misled about that. All it does is build a levee around this little strip of land, and all it does is raise the flood waters a little higher back in this district. That is all in the world that it does. I say very frankly to you, I want to see the flood-control problem solved correctly, permanently, and justly in this Nation.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MILLER. The only way in the world it can be solved is to begin sometime in the right direction. Now is the proper time to make a step in reservoir control. In the entire debate on this bill there will not be a man come here and say that these reservoirs would not do any good. They will all admit it, but they will say we cannot stand it; that we cannot load down the bill. It is true these reservoirs cost \$126,000,000, but I say to you that the building of these reservoirs and the cut-off operations in the Greenville Bends will be so beneficial that it will never be necessary for the Congress to appropriate the entire sum of \$300,000,000.

Let me tell you what is happening right now in Little Rock. There is a suit pending to condemn some of this land. Do you know what the Government engineers did the other day? When General Markham hears about it I do not know what he will have to say. General Ferguson told the people



at New Orleans that they could go home and sleep because of the operation of these cut-offs with full assurance that the problem had been solved. General Markham telegraphed him and made him back-track on it.

Mr. McCLELLAN. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Not just now. The record shows that General Markham telegraphed him about that statement that appeared in the Times-Picayune, but here is what happened in the land suit I mentioned—it is a suit for the condemnation of some land. When the Government attorneys, together with the Government engineers, went into court the other day, the court granted them a continuance for the purpose of enabling the Government to see what further efficiency could be had and how much further the flood heights on the Mississippi would be reduced by the operation of these cut-offs. I am just as earnest about this as I ever was in my life. I do not want to destroy or injure these people here, but the people in the Northwest, in these 183,000 square miles of territory, have suffered long. You talk about making a contribution to expenses. On my little White River alone we have about 270 miles of levees that were built at the expense of the people themselves. There are 20 districts, all of them leveed and with outstanding bonds. The question is just this: If we want to solve the problem in your territory and in my territory, if we want to render service to our people—and that is what we will have to do—we will have to be prepared to spend about a billion dollars in the Mississippi Valley alone to build 151 reservoirs. We are going to have to spend more on the Atlantic seaboard and other valleys in this Nation, but why not spend wisely?

Why build the levees alone? I appeal to you on behalf of 4,500,000 people who have suffered long that when this amendment is reached it may have the support of the entire membership of this House.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. NICHOLS. In regard to the gentleman's amendment, does the gentleman know of anyone, or has he been advised of anyone, who will object to the amendment by reason of the fact that the purpose for which the amendment is introduced is not a genuinely good purpose and is not sound?

Mr. MILLER. Oh, no. The only argument that could ever be made against it is that the cost is too much. [Applause.]

If you believe in doing things right, then vote for the amendment, and we will make a start in the right direction. [Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am interested in a policy of flood control whereby we may do those things that will save life and property. It is my judgment after listening to the various arguments advanced by members of the Committee on Flood Control that there is no body nationally set up that is so well fitted to handle these matters of flood control as the Board of Army Engineers, a nonpartisan organization. The Army Engineers always work, so far as I can find out, in harmony with local conditions, and cooperate with the States and local organizations.

We are now considering the bill (S. 3531) for the control of floods in the States of Arkansas, Mississippi, and Louisiana principally. No doubt the rest of the country is in a measure responsible for flood conditions that prevail in the lower Mississippi River because of the fact that the waters come from other States; and, naturally, we have a moral responsibility to assist these States. I am not overlooking this fact, but I want to call particular attention to section 5 of the pending bill. Mr. George H. Dern, Secretary of War, in his report to the Senate committee on this bill made the statement that this work is not recommended in the report, speaking of section 5. See letter of February 15, 1936, to Senator COPELAND, Senate hearings. I also want to call attention to the fact that in the House report there appears a letter dated April 30, 1936, from Maj. Gen. E. M. Mark-

ham, Chief of Engineers, to the chairman of the committee, the gentleman from Louisiana [Mr. WILSON], in which he makes this statement in reference to section 5:

The bill, S. 3531 \* \* \* with the exception of section 5, now conforms to the views of the Department.

In other words, he is opposed to section 5 of the bill.

We have listened to statements made by the gentleman from Arkansas in reference to the 26 dams to be constructed on the White River and the Arkansas River. I listened to the testimony given before the Committee on Flood Control in reference to these 26 dams. I have asked the question on the floor of the House time after time, "Where are you going to get the money?" I may say, however, that I am willing to spend money for flood control or any other good purpose where the money is going to be used to the very best advantage. If I interpret correctly the construction of these 26 dams it is this, that while it will cost the Federal Government \$126,000,000 it will reduce the flood height on the lower Mississippi River from 4½ feet, as estimated by the Army Engineers, to as much as 5½ feet, as estimated by the board of engineers from the State of Louisiana. There is a difference of 1 foot in the estimates, but we will say the flood height of the Mississippi will be reduced by 4½ feet, while the items that are called for in this bill for the Yazoo and the St. Francis Rivers will reduce the flood height only 9 inches.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield myself 4 additional minutes.

We spend \$56,000,000 on the Yazoo and St. Francis Rivers and we only reduced the flood height of the Mississippi River 9 inches. In other words, for twice the amount of money we are going to do eight times the amount of good. Does not this seem like a sensible proposition for us to consider in the House of Representatives—spend twice the amount of money and do eight times the amount of good? That is only good, ordinary common sense.

The statements made by the gentleman from Arkansas [Mr. MILLER] are just as sound as anything possibly can be.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. COLDEN. Because of the gentleman's interest in economy I want to ask him if he does not think that the building of reservoirs and dams on tributaries, such as is being done in the case of the Tennessee River, and the development of power will make these projects self-liquidating? And is not it a sounder policy to build dams instead of levees?

Mr. RICH. But the Tennessee River project is not a flood-control project; it is a power project. When a dam is built for the purpose of generating power the reservoir behind the dam has to be kept filled and you have nothing left when it comes to controlling floods.

Mr. COLDEN. The Tennessee Valley project is both.

Mr. RICH. When it is said that by this bill we are spending \$272,000,000, think of what we are doing in the way of constructive work; we are only carrying out what the board of engineers states is necessary so far as the lower Mississippi River is concerned. We have spent \$893,000,000 in that section of the country alone. Other sections of the country are entitled to as much consideration as the lower Mississippi. If you take into consideration the floods of this year, you will find that there has been 10 times more damage to other sections of the country this year than was ever done to the lower valley of the Mississippi River and less money spent on the rest of the country for flood control. We must treat all States alike.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. WHITTINGTON. If the gentleman means to leave the impression that the Government has spent \$893,000,000 in the lower Mississippi Valley for flood control he is utterly incorrect.

Mr. RICH. I do not want to be incorrect. Now in what respect?



Mr. WHITTINGTON. The gentleman is incorrect. I have just communicated with the Office of the Chief of Engineers, and I am advised that prior to the act of May 15, 1928, only \$105,000,000 had been spent by the Government in flood control in the lower Mississippi Valley, and since that time \$180,000,000 has been spent by the Government. I understand about \$20,000,000 more has been allocated. That is the total amount spent in the entire history by the Federal Government for flood control in the lower Mississippi Valley.

Mr. RICH. Where did they spend the \$621,000,000 for flood control on the Mississippi River?

Mr. WHITTINGTON. They have not spent that for flood control. They spent \$125,000,000 on the Ohio River, more than \$50,000,000 along the Missouri River, and probably as much more in the upper Mississippi River for improvement in navigation. The amounts I gave cover flood control only in the lower Mississippi. About \$160,000,000 has been spent for navigation on the Mississippi.

Mr. RICH. I am talking about the Mississippi River. Has that not been spent on the Mississippi River for the benefit of the people of the South as well as for the benefit of the people all along the Mississippi River and its tributaries?

Mr. WHITTINGTON. The amounts have been spent largely for navigation. I just wanted to correct the gentleman.

Mr. RICH. The gentleman talks about navigation and states there has been \$72,000,000 credited to navigation in this bill. I want to refer to Major General Ashburn's statement in regard to the operation of the Inland Waterways Corporation. He said they did not get any credit at all in figuring cost of operation for money spent on the Mississippi River for navigation. It is the way the Government officials figure cost in their operation, and I hope Major General Ashburn adds the cost of Government spending for navigation on the Mississippi River when he figures cost for operation of the Inland Waterways Corporation.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Chairman, I shall support the amendment, which will be later offered, which includes 26 reservoirs on the Arkansas and White Rivers, as well as the so-called Overton bill which we are now considering.

During the past winter the President of the United States sent us a message in which he stated that we should go carefully into the question of coordinating the efforts of the Government in meeting flood control and soil erosion. There is now pending in the Senate H. R. 8455, a bill which has included in it many projects so far as flood control is concerned. The Overton bill now before us for consideration covers only a small part of the problem of flood control, and covers principally the lower Mississippi River. According to the terms of the Overton bill, we will have to spend \$103,000,000 for the so-called Eudora spillway. We will have to spend \$49,000,000 for seven reservoirs on the Yazoo River, and about \$16,000,000 for reservoirs on the St. Francis River.

Mr. Chairman, I think this problem should be treated from a national standpoint. The Government has only a certain amount of money to spend for flood control. We should, to the best of our ability, see that every dollar of the money goes as far as possible to alleviate bad conditions not only in the lower Mississippi but also on the tributaries of that great river. Last year hearings were held by the House committee on the question of whether or not they would change the Jadwin plan for the construction of spillways in southeast Arkansas and Louisiana. The Flood Control Committee of the House asked General Markham, Chief of Army Engineers, to make a report on what would be necessary to eliminate the Jadwin planned spillways in southeast Arkansas. On May 15, 1935, in Document 3 of the Seventy-fourth Congress, General Markham wrote Mr. Wilson, chairman of the Flood Control Committee, as follows:

The following report is submitted in response to the resolution of the Committee on Flood Control of the House of Representatives, dated April 24, 1935, requesting the Chief of Engineers to

submit a report on a series of reservoirs in the Arkansas River Basin, the White River Basin, and other river basins for such relief and protection as will abrogate the necessity of fuse-plug levees and diversions from the main channel of the Mississippi River.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. TERRY. Mr. Chairman, General Markham goes on with this statement:

The Mississippi River Commission has submitted a report, dated December 15, 1934, in accordance with section 10 of the Flood Control Act of May 15, 1928, on a comprehensive system of reservoirs for flood control. This report lists 151 reservoirs as best adapted to the purpose of local flood control on the tributaries on which they are situated and the flood control of the Mississippi River. The total estimated cost of the entire system is \$1,125,807,000. The most effective reservoirs of the system, so far as the flood control of the Mississippi River is concerned, are the group of 13 on the Arkansas River and 13 on the White River, the estimated cost of which is \$126,719,000.

The report of the Mississippi River Commission, which will be transmitted to Congress in due course, shows that the operation of the entire system would have so reduced the 1927 flood that it could have been carried between the levees provided in the project adopted by the Flood Control Act of 1928, without diversions from the main channel of the Mississippi River if the fuse-plug levees were raised to the same grade as the remainder of the system. For a larger flood, or the so-called super-flood, such as would have resulted had the flood of 1927 been augmented by greater discharges from the upper tributaries, the complete reservoir system, if operated without regard to flood control in the tributaries, would have so reduced the flood discharge that it probably could have passed through the leveed channel without recourse to floodways and diversions. If, however, the system were operated to afford flood control for the tributaries as well as for the Mississippi River, the discharge of such great flood would have been in excess of the capacity of the leveed channel.

The report indicates therefore that the costly system of reservoirs under study would not abrogate the necessity for fuse-plug levees or similar works, and diversions from the main channel of the Mississippi River to afford assured protection against extreme floods.

The reservoirs included in the study of the Mississippi River Commission were those developed by exhaustive studies of the various tributaries made in accordance with section 10 of the Flood Control Act of 1928.

Mr. Chairman, it seems to me that before this Committee authorizes an expenditure of \$272,000,000, which will benefit only a small section of the country on the lower Mississippi, it should give careful and serious consideration to the inclusion of these 26 reservoirs which the Chief of Engineers admits will reduce the flood height at Arkansas City by over 4 feet, and not only will it do that but it will give protection to the valley of the Arkansas River in Arkansas, Oklahoma, New Mexico, and Colorado and on the White River in Arkansas and Missouri.

Mr. FULLER. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Arkansas.

Mr. FULLER. Is it not a fact that the Arkansas and the White Rivers are the two largest tributaries of the Mississippi River, and they are the only two rivers of that character that have not received Federal aid?

Mr. TERRY. I think the gentleman's statement is correct as to reservoirs.

Mr. FULLER. Is it not true also that the 26 projects that we are trying to have included in here are the very same 26 that this same committee reported to the House in a bill which was passed by the House at the last session of Congress and is now dying in the Senate?

Mr. TERRY. The House included these reservoirs in a bill which was passed last August, but, with the exception of two, all of them were taken out in the Senate.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. MAIN].

Mr. MAIN. Mr. Chairman, this bill deals with subject matter which fundamentally requires technical information. Local atmosphere, based upon some appreciation of the physical facts in the territory involved, will have a bearing upon this vote. For these reasons I hesitate to offer any comments on the merits of the bill. However, as a member of the committee, perhaps I can render some service to the Members of the House by calling attention to the fact that the



provision for this so-called Eudora spillway does not contemplate the acquisition of a fee-simple title to the land which may be overflowed in the event of the superflood, which is contemplated by the sponsors of the bill. The bill proposes only to acquire the rights of flowage at a cost of some \$15 or \$20 per acre involving an area of 822,000 acres. A considerable portion of this land is well developed and is in a high state of cultivation.

I have a picture, therefore, Mr. Chairman, of this spillway in some unfortunate period in the future being in a fine state of cultivation and development for rural and urban uses; but if this superflood should come, this area would be turned into a temporary river 10, 15, or 50 miles in width. Of course, the population would be disturbed, and no doubt there would be great destruction of property and possibly loss of life. Although I do not for a moment put my opinion against the opinion of the engineers, yet it does seem to me that the proposed expenditure of \$103,000,000 for this Eudora spillway is adopting the pound of cure instead of looking for the ounce of prevention. It does seem to me, Mr. Chairman, that the plan for reservoirs on the White and the Arkansas Rivers is in line with the homely policy that prevention is better than cure; and I undertake to say, no matter how valuable the Eudora spillway may be from the standpoint of the people on the easterly side of the Mississippi River, it cannot by any stretch of the imagination render any service in avoiding flood dangers at Pittsburgh or Cincinnati. But, on the contrary, Mr. Chairman, treatment of the flood problem on the Monongahela and Allegheny Rivers and on the White and Arkansas Rivers will help to avoid the flood dangers on both sides of the lower Mississippi River.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. Mr. Chairman, if flood control is what we really want here, then everybody should vote for the amendment. If this is what is really wanted in the lower Mississippi, then the addition of a comparatively small sum of money, compared with the total, added to the amount carried here really produces flood control. When you add a comparatively small sum of money, even though we are dealing in large sums, and head off the top flood water by from 4 to 5 feet, as compared with a 9-inch cut-off, with comparatively a little less money, then the advocates of the bill, if flood control is all that is involved, should join with the advocates of the amendment and pass the amendment.

I am pleased to be on common ground with my colleague, the gentleman from Pennsylvania [Mr. RICH]. I usually disagree with him quite violently, but this afternoon I admire his judgment and endorse the suggestion he has made, that it is common sense by the addition of less than one-half more money to get 10 times the result.

Now, let me talk to you a moment about the Arkansas River. The Arkansas River is 1,500 miles in length. It heads up in the middle of Colorado and the watershed embraces the greater part of Oklahoma, a great share of the States of Kansas, New Mexico, Colorado, and Arkansas, inhabited by nearly 4,000,000 people. This river, with its nearly 4,000 miles of tributaries, has caused an annual flood damage over a long period of years of nearly \$5,000,000. If you will amortize the amount involved for a moment in your own minds, you will see it pays big dividends when you add to it the flood damage in the White River, and since the amendment which is to be offered will really bring about flood control.

We do not have to hark back many years to the time when the Army Engineers declared that the only way to control the waters of the Mississippi was by more dikes and levees on the lower Mississippi. Only in recent years have they agreed that the reservoir system is the proper one, and here is what they now say officially and authoritatively. I am quoting from their own report:

The group of 26 reservoirs in the Arkansas and the White are by far the most effective—

Not equally effective, but by far the most effective—in controlling the floodwaters of the main stem of the Mississippi.

What more do you want? Why not join us in the amendment instead of simply saying that "if your amendment is adopted it will kill the bill"? How is it going to kill the bill? Why should we not stand up for our rights and demand that we have our rights when we are within reason? Are we going to continue to be browbeaten by the departments and by another body? This is the time to say how far we shall go when we have all the rights and all the reason on our side of the program.

These 26 projects went in last year. It is true they were knocked out in another body, and there may be a duplication of two or three or four of them, but we are not going to build all of them at once. Therefore we need not be alarmed at this preliminary stage of the legislation that we are going to have any duplication. This is simply an authorization anyway, and the time will come when we will have to make a selection between the projects when time for actual appropriation comes, and under the terms of the bill, if the amendment is adopted, we carry our share with respect to the payment of rights-of-way and the other penalties or costs that have to be borne. So it seems to me reasonable, if flood control on the lower Mississippi River is what you really want, to adopt the amendment. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, ladies and gentlemen of the Committee, I am sorry that there are not more Members present on the floor to listen to the discussion of this very important matter. Thanks to the able and accurate count by the Chairman, they are not here; but this is a most important matter. There is a very important spot in the United States along the White and Arkansas Rivers that has long been forgotten territory insofar as relief from floods is concerned.

The gentleman from Oklahoma said if this is to be a flood-control bill, why not make it that. I should like to ask the same question.

No one will say that by taking care of the area in the lower Mississippi you will solve 100 percent of the flood problems of the lower Mississippi, but a report of the Army Engineers says that the building of these 26 reservoirs on the White will control 50 percent of that tributary and on the Arkansas 55 percent of the total flood-producing area.

A report made by the President of the Mississippi River Commission in April 1935 stated that the construction of these 26 reservoirs would reduce the flood stage 4 feet at Arkansas City.

It goes into the number of second-feet and says that construction of these 26 reservoirs would reduce it by 320,000 second-feet.

I have the utmost respect for the reports of the Army Engineers on this flood problem, and they say that the construction of 26 reservoirs are most important to control the floodwaters of the lower Mississippi.

All you gentlemen have answered every argument that has been made by throwing into our faces the recommendations of the Army Engineers.

I give it back to you and ask you to stand by the recommendation of the Army Engineers. They say that the construction of 26 dams on the White and Arkansas Rivers would take care of those floodwaters that contribute most to the floodwaters of the lower Mississippi.

If you are not going to support the Miller amendment simply because you are afraid it will destroy this bill, then I say to you that that is a poor excuse. How do you know it will destroy the bill? Who is the man here who can say that he has word from the White House that it will destroy it? Who is the man here who can say that he has word from another body that it will destroy it? My guess is as good as yours. I say that it will not. I say that from all points of reason that it should not, and I am one who still thinks that we are operating at least to some extent a reasonable system of government in these United States.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.



Mr. WILSON of Louisiana. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Chairman, I regret that in the consideration of and passage of legislation of such vital importance there should arise any confusion or controversy whatever. It is unfortunate when we come into the House with a bill on which a committee has spent a whole year—all last session of Congress and part of this—in hearings, where every bit of testimony that was available was heard, that we should be confronted with a squabble in an effort to superimpose laymen evidence and laymen opinion for that of those trained and experienced and able to give counsel. When the bill has the endorsement and approval of the highest authority next to the Congress and the President of the United States, it should appeal to our judgment and command our respect and support. We should not be asked to accept laymen testimony in preference to that which is authentic insofar as the best technical minds go.

I want you to get a correct picture with reference to this problem. The 1928 act adopted a project for the control of floods in the lower Mississippi River. That project is in process of execution now. There is one phase of it that has not been undertaken and is not going to be undertaken because, as I understand, on account of the interpretation placed on the act. You already have a spillway in this area [pointing to map] now in operation which, if a flood comes, will cover all the area shown in this area in green, but these guide levees shown in yellow on the map have never been built. They were supposed to have been constructed to control these floods. All of this black dotted line is a fuse-plug levee supposed to be 32 miles in length, but it is in reality 65 miles long, and it is left open there and is 3 feet lower than the levee on the opposite side of the river; and that is for the purpose of permitting the excess water, when the floods come, to overflow and go down what is known as the Boeuf Basin and will cover not just that within the yellow lines but will cover all this area in green. That is the unfinished part of the project, that is the part of the project the Markham report modifies and undertakes to improve.

Let me point out wherein it does. In this Boeuf floodway area there are 1,326,000 acres of land, while in the Eudora floodway, recommended to be adopted as a substitute for the Boeuf, there are, including the back protection levee, only 822,037 acres, or 503,963 acres less of the most fertile lands in the valley. You can, therefore, construct this floodway for several million dollars less than the Boeuf floodway, so the modified plan is the most economical and carries with it the greatest conservation of these fertile lands. It is a large improvement over the present adopted project. I hate to disagree with my colleague from Arkansas [Mr. MILLER] but he made one statement I think is not correct, when he told you that there were now condemnation suits pending in Little Rock, Ark. That is a mistake. There is not a condemnation suit pending there by the Government. Suits have been filed by landowners in this Boeuf Basin because their property has been taken by the Government for public use without due compensation and those suits are pending and the Government is delaying them. Every time they come up for trial the Government delays and has them continued in the hope that Congress will pass this bill and abandon the Boeuf floodway so that those suits will not have to be tried and can be dismissed and in that way settle the controversy. Those are the suits that the gentleman referred to. They are not condemnation suits. I want to answer another argument that has been made.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. McCLELLAN. It has been said that if we want flood control, if you want to solve this problem in the lower Mississippi Valley, we should adopt this amendment to construct the reservoirs. I do not oppose the reservoirs. If they are constructed together with this project, they will

solve every flood-control problem that I have in my district and I shall be ready to resign from the flood-control committee and go to some other where I might better serve the further interests of my constituency, but the Army Engineers do not say, as the gentleman from Oklahoma [Mr. NICHOLS] stated—they never have said—that the reservoirs on the White and the Arkansas were of major or greater importance than these floodways or diversion channels. Let me tell you what they have said. They did say that those reservoirs, insofar as the effect of reservoirs on the lower Mississippi Valley is concerned, would contribute more, that they were of more value than reservoirs on the other tributaries, but they say you can construct reservoirs on the White and the Arkansas at a cost of \$126,000,000. I say to you read the report and the hearings. It is there repeatedly said in the last session of Congress and in this that you may build them, but you cannot dispense with the Eudora floodway after they are constructed. That these diversion channels are indispensable to the safety of the valley not only for superfloods which may come any time within the next 100 years from now, as they say, but when any flood comes of the proportions of the 1927 flood they will still be necessary even though the reservoirs on the White and Arkansas have been constructed and are in operation.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. McCLELLAN. Not now.

Mr. NICHOLS. I deny that statement.

Mr. McCLELLAN. Get some time and read it. The gentleman can read the record I am speaking of.

[Here the gavel fell.]

Mr. McCLELLAN. If you will give me time I will answer the gentleman. I am referring to the record. I know it is in there.

Mr. Chairman, this Nation, as never before, is conscious of the impelling necessity for legislation adopting projects that will bring relief from the menace, devastation, destruction, misery, and human suffering caused from violent floods such as we have had in the recent past. It would be wonderful indeed if we could, with the enactment of one law, provide for the immediate construction of flood-control projects that would control the waters of every important stream in this Nation and insure the safety of their valleys. Common reason suggests, however, the impossibility of being able by the passage of one bill at this session of Congress to accomplish such tremendous results. So many factors enter into flood control that it is necessary to have investigations, surveys, studies, and the counsel and recommendations of the best engineering staff available to the United States Government. We do not like to proceed by piecemeal, that is true. I am going to support the pending bill because this project is ready. Years of study, surveys, and investigations have been made. Due hearings have been held. This bill has the endorsement of the Chief of Army Engineers, on whom the President of the United States must rely for his guidance in the approval of any legislation involving an engineering plan or construction projects on our navigable streams. It is ready for passage and should have the support of every Member of this House who is in sympathy with flood control. Nothing can be gained by opposing this bill simply because other worthy projects are not included or because it does not embody a comprehensive program throughout the Nation. We should pass this bill and then pass others as rapidly as proper investigation and report can be made and where they are found to be practical, economically justified, and necessary for the conservation and protection of lives and property.

To those who are criticizing this bill and saying that the 1928 Flood Control Act appropriated \$325,000,000; and we are now back asking for more money, I wish to direct your attention to the record. When the 1928 flood-control bill was under consideration it was pointed out at that time by the Mississippi River Commission and the Chief of Army Engineers that the cost of the project for the control of floods and protection of the lower Mississippi Valley would be approximately \$775,000,000. See General Markham's



statement, page 37 of the Senate hearings on this bill. Therefore, Congress at the time of the passage of the 1928 act was fully advised what the ultimate cost of this undertaking would be. The appropriation now asked is not, therefore, an unanticipated expense.

The highest engineering authority has stated repeatedly that it is necessary to control or divert 1,000,000 cubic feet per second of floodwaters in case of a major flood in order to insure the safety of the lower Mississippi Valley. I should like to see the construction of the 26 reservoirs on the White and Arkansas authorized at this session of Congress. They are most meritorious, and the valleys of these rivers are entitled to that consideration. In order that there may be no misunderstanding or any misapprehension on the part of any Member when he comes to cast his vote on this legislation, I desire to emphatically assert, based upon the repeated statements of the Chief of Army Engineers and the president of the Mississippi River Commission, that construction of the reservoirs on the White and Arkansas and the cut-off and stream-rectification work now being carried on, will not suffice to control the floods in the lower valley. They will contribute to it substantially. The reservoirs will lower flood heights on the Mississippi 4.2 feet. The effect of the cut-offs has not yet been accurately determined. So far as we know at present the best opinion is, when completed they will possibly lower flood heights  $2\frac{1}{2}$  feet.

The reservoirs will withhold approximately 365,000 second-feet of water, leaving a volume of 635,000 cubic feet that must be taken out of the main channel by diversion. If a flood should reoccur, of the proportions of that which came in 1927, with the 26 reservoirs on the White and Arkansas in operation and the cut-offs and stream-rectification work completed, there would still be, Mr. Chairman, a volume of water, if confined, five feet higher than the main channel levees. Therefore, let us regard the proposed amendment for 26 reservoirs on the White and Arkansas solely upon its merit and not labor or act on the erroneous impression that by amending this bill so as to authorize the construction of these reservoirs, the Eudora floodway can be dispensed with. If the Army Engineers and the Mississippi River Commission are competent, if they are giving and have given us the benefit of their best judgment, if they are worthy of our relying upon them for correct engineering data, information, and recommendations, then we should follow them and adopt the plans they submit and recommend for the solution of these engineering problems. I, for one, do not feel competent to dispute the judgment of the Army Engineers in matters of engineering. In that respect I subordinate my judgment to theirs. In matters of economics and in the practical provisions of legislation dealing with the execution of the plan and administering the law, then I rely upon my own judgment and from my experience as a lawyer and as a Member of Congress.

Others contend that we should adopt the 151 reservoirs program at a cost of \$1,125,807,000. The record reveals that it would take from 20 to 30 years—another generation—to complete such a program. During that time this great valley would continue to be exposed to the ravages of torrential floods. Shall we delay? Is it wise to procrastinate? The plan is approved. It is time to act, and we can be assured that with the passage of this legislation, either with the amendment for the 26 reservoirs on the White and Arkansas or without it, that it is ample to and does provide for a complete and final solution of the flood-control problem in the largest and most fertile valley in all the world.

Mr. Chairman, I trust that the membership of this House will rise above partisan influence and that we shall be guided not as Democrats or Republicans but as representatives of a wonderful people, and act and vote as Americans, in the interest of America, and for the common welfare. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I ask that all Members who have spoken on this bill may have permission to revise and extend their remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. WEARIN].

Mr. WEARIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include a few short quotations.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WEARIN. Mr. Chairman, the accent of the present administration is upon soil and moisture conservation as far as the farm and agricultural program is concerned. It seems to me that the thought is wrapped up very closely with the flood-control program. It has been my pleasure to cooperate with this committee, to some extent, as far as it was possible to do so, in the matter of this legislation, which in my judgment is not an answer to flood-control problems. The time is coming when the United States Government is going to have to devise a Nation-wide program for flood control that will conserve the moisture at the points of its origin, rather than building levees higher and higher along any of the streams.

Mr. COLDEN. Mr. Chairman, will the gentleman yield at that point?

Mr. WEARIN. I will a little later on.

I happen to live along one of the principal tributaries of the Mississippi River; namely, the Missouri. It carries a tremendous volume of water into that great Father of Waters. Unfortunately, we have accentuated our interest in that major stream rather than in the tributaries that go to make up the body of its flowage. It seems to me that we, the Committee on Flood Control, the Congress, the War Department, the Soil Conservation Service, the Forestry Department, and National Planning Board, and any other related agencies, should be cooperating with a view to advancing a complete coordinated national program of water conservation composed of reservoirs and of basins along the tributaries of the Mississippi, and in turn their tributaries, as well as other river systems, all of which would couple up nicely with the conservation of our soil and the moisture in our small streams. Then and only then will we have a complete answer to this unfortunate condition that prevails in the lower reaches of the Mississippi River.

It should be evident that the proposed program would properly reach back to the tiniest of trickling streams that mark the beginning of the entire trouble. The present disastrous floods near the mouth of the Mississippi are a result of many crude and thoughtless abuses of nature on the part of man. We have stripped the Nation of its vast forest resources that at one time held back tremendous volumes of water both at the roots of the trees and in their foliage. In fact, we have not even paused long enough in our headlong dash for profits to take stock of what happened to China as a result of a similar program. We have hurriedly dipped our plows into the sod of prairie lands that should never have been turned over, because their characteristics were such that they were not suitable to profitable cultivation. The result has been the hastening of many little waters through the sandy loam-washing gullies in a dash to the great rivers. At the elbow of the plowman has come the dust storm and all its attendant evils just because we did not realize the sod we destroyed had been conserving moisture and acting as an insurance policy against floods. We have hastened, in order to provide employment for dredge operators, to straighten out innumerable little creeks and rivers that used to wind their way through fertile valleys, holding up the waters at their bends and in their deep, cool pools that were invaluable as beauty spots and conservers of wildlife, in addition to being reservoirs the contents of which seeped down into the subsoil and preserved the productivity of the area. In the valley where I live a crude,



aimless, unplanned ditch ruined a beautiful little stream with wildlife resources, power and local industry sites, and lowered the natural water level until we have been forced to go from 15 to 20 feet deeper for good wells.

I mention these things because they have all, in addition to being local calamities, added to the problem of flood control not only on the lower Mississippi but upon every great river. The building of higher and higher levees does not solve it. We should be spending millions to correct such past mistakes, but only after we have devised a thoroughly coordinated program in some such manner as I have suggested, taking all angles of the situation into consideration and mapping it out for the entire Nation. Unless we do this our problem is going to become more and more complicated with the passing of the years. The situation reminds me of some correspondence I have been having recently with that able, thoughtful, and noted American, Gutzon Borglum. He attached a copy of a letter concerning his trip through a flooded area to one he wrote to me, and I want to quote a few paragraphs from it, because they indicate one of a number of solutions, if we really wanted to do something about it all.

I was on a train slowly feeling its way through the water which washed above its running gear. We all felt angry and impatient and ashamed as we stared into the pale faces on those wet, bedraggled sufferers waiting in cars and trucks on the side track to let us go by. Just beyond was the mad current of the main body of the river. Everything was flooded. A little frame church teetered by, bumped along, careened, its little bell clapping one or two faint tolls, then silent, gone. God! Why don't we do something, rushed over me. Then I remembered we were only a democracy and that we were at peace—we were not at war, and the vote out here was really not worth very much to any party. The waters of the Missouri and Mississippi Rivers and their tributaries rampant represent one, if not the most, ruthless force on the American continent and are a menace to the sources of a vast part of our life and wealth.

\* \* \* I noticed after we passed the Red River there were no more flood waters. The great ravines and river beds through Texas were fairly dry and carried easily the little water that trickled through them. Then I recalled the great Missouri with its tributaries. It drains all of Montana, the third greatest State in the Union, Texas and California alone leading. Tributaries of the Missouri drain three-fourths of Wyoming, all of North and South Dakotas; the Platte, that wild, masterful flood, drains part of Wyoming, the northeast corner of Colorado, and all of Nebraska. In Kansas there are the Kansas and Arkansas Rivers; the Red River between Oklahoma and Texas and all of this eastern slope of the Rocky Mountain range for 2 months has been in flood, pouring its volumes down through the narrow throat of the Mississippi into the Gulf. America little realizes that a strip from 800 to 1,000 miles in width, from Canada in the north to Texas in the south, east of the Rocky Mountains, drains into the Mississippi. \* \* \*

The following idea has occurred to me recently and I have made it known through one public address: Tap the flood waters which flow into the Mississippi River from the eastern Rocky Mountain watershed, starting at such point as will insure the greatest amount of drainage and deliver the water to the most necessary points, traveling south. An exact location cannot be suggested in this letter. The important matter is to cut the great arteries, beginning with the Missouri, carry the great canal south across the Platte, the Kansas, Arkansas, and Red Rivers. This process could prevent all flood water west of, let us say, longitude 97° from ever going into the Mississippi and could be so effective that the little water that would enter the rivers east of the great canal would be of no importance. At other times the great gates would automatically allow the streams to continue their natural flow. Such a plan would protect the Mississippi Basin from all the Rocky Mountain water in times of danger. Very little imagination will tell anyone instantly what a bond of security that would establish in the hearts of every property owner in the great Mississippi Valley from Iowa south to the Gulf. But that is only half the picture. That flood water would be available in Nebraska during dry period, in Kansas and in Oklahoma. \* \* \*

In Texas a system of lakes could be easily established to receive the whole 10,000 square miles of water without loss to anyone. \* \* \*

Mr. Borglum's proposal is worthy of consideration in connection with the establishment of reservoirs, basins, forest areas, power projects, soil-conservation work, and all of the other outdoor problems so closely associated with water, that product we have been wasting so wantonly when it should be stored like any other crop.

At the present time the water that we need in Iowa, Nebraska, and the upper sections of that river system is being stimulated and hastened in its flow out into the Gulf of Mexico, along with tremendous volumes of rich soil that

never ought to have been washed away. It might be well for us to observe that along the Nile, with its heavy load of silt, they have devised a plan of spreading the waters, under control, for the sake of the fertility of the soil. The loss of our waters and our fertile soil will not be improved materially from the standpoint of permanence, by any program of levee construction. I am not necessarily opposing the bill, but I deplore its failure to cope with the problem.

I am aware of the fact that the people in the section affected are deserving of consideration and protection. I want to protect them, but at the same time I hope we will not forget that this particular bill is like putting salve on an ingrown toenail. It eases the pain, relieves the complications, but it does not eliminate the cause of the evil, which without attention will grow worse and worse. That is what we, as statesmen, if we are such, should attempt to do—eliminate the cause with a constructive plan. I trust that either before this Congress adjourns or before another Congress passes into history, the Flood Control Committee will be able to come before this House with a program of national water conservation that I think we need and which I think should be coupled up with the agricultural program, the soil-conservation program, the forest and other conservation work.

When we do that we will have solved the major portion of our flood problems in the lower regions of the Mississippi River, and all our other large river systems. We can in that manner make a tremendous contribution to the national welfare, a contribution that will result in the preservation of our soil fertility, our national water levels in the various sections of the Nation that have been lowered materially through short-sighted drainage policies, not only along the major streams but along the minor streams, and the water thus saved in the territory where it is needed, and used in the proper manner, either for irrigation or for the preservation of an atmospheric condition that is necessary if we are to have as a permanent asset fertile, productive areas in the United States. I am doing everything in my power to assist with the advancement of a Nation-wide program such as I have suggested.

I now yield to the gentleman from California.

Mr. COLDEN. The gentleman from Iowa and others who have discussed this question have referred to flood control, erosion, and irrigation. Why have you not mentioned the development of power and of navigation that are so closely interwoven with this question of flood control?

Mr. WEARIN. I am in thorough accord with the New Deal power-production program that should be incorporated with the matter of water conservation in the United States, and I trust it will be advanced and spread throughout the whole United States. The Tennessee Valley Authority has demonstrated the possibility of producing and distributing electricity, after proper allowances for depreciation, taxes, and operating costs, to the public at a fraction of its present cost. The people should not be denied such privileges and the program of power production can very well be consolidated with flood control and its associated fields. I will have more to say about that particular subject a little later on. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. KNUTE HILL].

Mr. KNUTE HILL. Mr. Chairman, I was born and reared in the Mississippi Valley, so I am quite familiar with conditions there. About a quarter of a century ago I went out West. One good thing in going out West is that it gives you a different viewpoint. Coming to the point, I want to say that in spite of the fact that quite a number of those who are standing for flood control opposed us yesterday in trying to get money for irrigation and reclamation in the West. I am strongly and heartily in favor of flood control, whether it be in the Mississippi Valley, whether it be in the upper Mississippi Valley, or whether it be on the New England coast, and I will tell you why. Although I am a resident of the West, I am a citizen of the United States and



believe in taking care of our people, whether they be down in the Mississippi Valley, up in New England, or out West. I believe in the motto "Live and let live."

They talk about a pork barrel. I wonder if it is a pork barrel when we are trying to save the homes of the people or where out West we are trying to build homes for the people?

I say to you here and now I am in favor of the Miller amendment. Why? Because we are taking care of conditions at the headwaters. "As the twig is bent the tree is inclined." Taking care of the headwaters through the use of dams is a control of the difficulty at the source, and I believe in taking care of them all along the eastern watershed of the Rocky Mountains all the way from Canada to the Gulf of Mexico. Taking care of waters there will prevent floods in the lower portions of the river.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. KNUTE HILL. I yield.

Mr. COLDEN. Why not build power plants on these tributaries and let them pay for themselves?

Mr. KNUTE HILL. That is all right; I am in favor of building power plants, building homes, and so forth. I am in favor of all those things.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. KNUTE HILL. I yield.

Mr. RICH. How would the building of dams for power plants provide for flood control?

Mr. KNUTE HILL. I said I was in favor of power development, too.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. KNUTE HILL. I yield.

Mr. RANDOLPH. The gentleman will agree, then, that all over this country the construction of reservoirs and small dams on the headwaters of streams is our most effective method of flood control.

Mr. KNUTE HILL. The gentleman is correct.

I want to emphasize that I am in favor of flood control, that I am talking for it and voting for it—a little different from the attitude taken by the chairman of our Committee on Appropriations on yesterday, when he said he was for reclamation and then talked and voted against it. [Applause.]

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. ZIMMERMAN].

Mr. ZIMMERMAN. Mr. Chairman, I want to take a few minutes of the time of the Committee this afternoon to explain my interest in this bill and why I am for this bill. Those of us who have studied this question of flood control by means of reservoirs know that reservoirs constructed for the generation of hydroelectric power cannot be used as a means for the preventing of floods.

Mr. COLDEN. Mr. Chairman, will the gentleman yield at this point.

Mr. ZIMMERMAN. I yield.

Mr. COLDEN. What about the Tennessee Valley undertaking?

Mr. ZIMMERMAN. In other words, it costs so much to construct a dam that may be used for the generation of electric power that it is not economically justifiable as a flood-control proposition.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. ZIMMERMAN. I yield.

Mr. GRISWOLD. General Markham testified, did he not, that dams constructed for creating reservoirs to be used for the generation of hydroelectric power were not helpful in the prevention of flood control?

Mr. ZIMMERMAN. That is right. General Markham, Chief of the Board of Army Engineers, said that reservoirs constructed for power purposes were not available for flood-control purposes.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ZIMMERMAN. I yield.

Mr. GRAY of Pennsylvania. Is it not true that any reservoir that is constructed for the purpose of producing power is filled with water?

Mr. ZIMMERMAN. That is right.

Mr. GRAY of Pennsylvania. Whereas a reservoir or dam constructed to control floods is empty except during that season of the year when the floodwaters need to be checked.

Mr. ZIMMERMAN. Yes; they must be dry during most of the year.

Mr. COLDEN. Mr. Chairman, if the gentleman will yield further, that is not true in the case of Boulder Dam in our part of the country.

Mr. ZIMMERMAN. That was constructed, I am sure, on a different principle.

Mr. COLDEN. That was for the purpose of flood control and the generation of power.

Mr. ZIMMERMAN. My colleague the gentleman from Arkansas [Mr. MILLER] has referred to the placing of the St. Francis River in this flood-control project. The gentleman from Arkansas did not tell this committee that the people in the St. Francis Basin have already contributed \$50,000,000 toward building the levee along the main stream of the Mississippi River to keep the water of the Mississippi River out of the St. Francis Basin. Because the Ozarks have been denuded of their forests, because our hillsides have been cleared and plowed during the last 10 or 15 years the run-off has been so rapid and fast that the waters debouched down into the St. Francis Basin and have destroyed the levees which we built at our own cost and expense just as the levees were built along the White River and the Arkansas River; but, in addition to building our own levees at our own expense, levees which have been destroyed, we have contributed \$50,000,000, and are now paying taxes to maintain the levee along the Mississippi River to keep the waters of that river from spreading over the rich St. Francis Valley. I may say further that we have lost annually \$1,500,000 during the last 15 years. The Government finally recognized the necessity of treating the St. Francis River and have gone in there and spent over \$1,000,000 repairing the levees that were destroyed by floodwaters from the St. Francis River. This, Mr. Chairman, is why the St. Francis River and the Yazoo River have been included in the lower Mississippi project by the Army Engineers.

Let me emphasize the fact that if we adopt this amendment and add \$126,000,000 to this program the Army Engineers will not approve it; and if we pass this bill and the Senate concurs in this amendment I doubt seriously if it can receive Presidential sanction. We ought to be practical about these matters.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. ZIMMERMAN. I yield.

Mr. JOHNSON of Oklahoma. The gentleman has just made an interesting statement. If I understood him correctly, he stated that he doubted seriously if it can receive Presidential sanction if the amendment is adopted. Will the gentleman tell us on what authority he makes such a bold statement?

Mr. ZIMMERMAN. Because the Army Engineers have refused to recognize the feasibility of adding reservoirs to this project.

Mr. JOHNSON of Oklahoma. What has that to do with the President's attitude? Surely the gentleman does not mean to state that any Army engineers anywhere speak for the President of the United States.

Mr. WILSON of Louisiana. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ZIMMERMAN. Mr. Chairman, something has been said about these reservoirs having been placed in a bill last year. May I say to the Members that the pending bill has never been before the House prior to the present time? No bill has been brought to the Seventy-fourth Congress providing for treatment of the lower Mississippi Valley situation. We did include these 26 reservoirs in an omnibus bill which passed this House last year, but we all remember the fate of that bill. It was laughed out of court when sent over



to the Senate. It was held up to ridicule and, as a consequence, the bill lies dormant today.

This bill has passed the Senate. It has received the approval of the Army Engineers, as well as the Mississippi River Commission. If we load the bill down with amendments I doubt if there is any chance to have it enacted at this session of Congress.

Mr. RICH. Will the gentleman yield?

Mr. ZIMMERMAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Have the Army Engineers approved section 5?

Mr. ZIMMERMAN. They have not approved section 5, but they will not object to it if incorporated in this bill, so General Markham stated to the committee the other day.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. FORD].

Mr. FORD of California. Mr. Chairman, I do not suppose a great many Members of the House fully realize the situation that exists in the Mississippi Valley as a result of the floods of the Mississippi River. We read about the situation in the papers and we know something about it in a general way. But, Mr. Chairman, I lived on that river for a great many years, and I know something about the situation. Millions of dollars have been squandered on various types of improvement on that river with the idea of checking floods, but I am convinced the only way the floodwaters of the Mississippi River can be controlled is by going to the source, and through the medium of dams and reservoirs we may make that river safe.

We had a similar condition in California and Arizona under the Colorado River project. The Colorado River some years came down and flooded the whole area, and for a long time it hung like the sword of Damocles over the Imperial Valley. A dam was built at Boulder Dam which has served to check the situation and it has made life and property safe in the Imperial Valley.

Mr. COLDEN. Will the gentleman yield?

Mr. FORD of California. I yield to the gentleman from California.

Mr. COLDEN. Is it not true that at Boulder Dam, and generally throughout the country, flood control, navigation, and power go hand in hand?

Mr. FORD of California. They do. I should like to see this made a power project, but if it is not made a power project I am still in favor of it for the reason that flood control in a great, rich, magnificent area, such as is included in the Mississippi River Valley, is absolutely essential. The building of a purely flood-control dam does not necessarily mean that later on a dam which would produce power cannot be built there. For this reason I am heartily in favor of any measure that will take away from those people who live along the Mississippi River the danger and the fear of the appalling tragedy that occurs there ever so often when a flood comes along.

As a little boy I saw the Mississippi River come up over our farm and cover a thousand acres of corn to a point where if you went out in a boat and reached down you could not touch the top of the corn. That was rich ground and the corn grew high. Just about 18 or 20 miles below St. Louis, where the Meramec River joins the Mississippi River, I have seen our farm under 20 feet of water.

Mr. Chairman, I hope this measure will be passed.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. GRISWOLD].

Mr. GRISWOLD. Mr. Chairman, there is one thing this debate has developed, and that is the fact that as a national policy we have no policy so far as flood control is concerned. We picked up the lower Mississippi River in 1928 and used it as an individual project. We picked up the Sacramento flood-control project and used it as an individual project on a different basis. Then we picked up the Lake Okeechobee project. Those are the only three Federal-controlled projects and every one of them works on a different basis.

Let us take these various hearings: I do not care whether you take the hearings on the omnibus bill or the hearings on this bill or any other bill, you will find that all through the hearings runs the thread of thought that it might be better to control the water at the source—in other words, in the tributaries; but the Congress started, as General Markham stated, to establish a policy on the lower Mississippi of controlling the water after it got down there. That is the policy we are now requested by General Markham in these latest hearings to adhere to, because the Congress has established this policy in this single case. If Mr. Hoover and General Jadwin conceived an erroneous plan and Congress put it into execution in 1928, there is no reason why Congress should not in 1936 correct the error of the past.

We forget about all these other places that need flood control. General Markham in his latest testimony testified as to the economic loss, not in the lower Mississippi River country, but in the tributaries. He testified to the loss from the recent flood up in Pittsburgh, which was something like \$250,000,000 in one particular section, the city of Pittsburgh. Yet, on the lower Mississippi River in 1913, the loss from the whole flood of that year, according to the Mississippi River Commission figures, amounted to only \$160,000,000.

Mr. Chairman, I am in favor of the Federal Government going into the flood-control business as a national policy, and we should tackle the problem of these tributaries and congested districts where the loss is much greater than down where the floodwaters finally arrive. Unless we take care of these tributaries and take care of the economic loss in these tributaries, there will be no good come from these flood-control projects. We should consider the losses this past spring from the floods that occurred in New York, Connecticut, Ohio, Indiana, and elsewhere. We are not establishing a national policy. We are just keeping on with the old individual system which segregates one section from another or one region from another. Until we can reach the place where we have a national system, eliminate the economic loss in these tributaries, and confine the waters at the source, we will not accomplish anything. If we go to work on the lower Mississippi, or any other stream, we should take care of the tributaries as well. We have it on the testimony of General Markham and other officers of the Army Engineers that the great flood of 1927 in the lower Mississippi was caused by water that came out of the Arkansas; that the other floods were a result of the floodwaters in the Ohio. He further stated, "It is the combination that gives you the superflood", and that the Ohio floodwaters came from "small lakes and cracks in levees up the Wabash and up the Ohio." A national policy should make provision for impounding the water at the source.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, the great problem of flood control is one in which every Member of this House is or ought to be tremendously interested and deeply concerned. When I came to the Congress a few years ago I was anxious to be placed on the Flood Control Committee and was very much disappointed, as most new Members are, when I was not made a member of the committee that I had my heart set on. Two years later, however, I was given a place on the Flood Control Committee. During my service on that important committee I made considerable study of the Nation-wide problem of flood control. I enjoyed my service on that committee. It was a pleasure to serve with some of the most excellent gentlemen in this Congress, some of whom are still serving with distinction on that committee. But, frankly, I soon became convinced that the majority of the members on the Flood Control Committee were concerned primarily in legislation for the lower Mississippi. It seemed to me they were not very much interested in a Nation-wide flood-control system in which I was so deeply concerned. Our hearings and investigations were confined largely to the lower Mississippi River. The tributaries were practically ignored.



I wanted to approach the flood-control situation from a national viewpoint. I believed then, and am more fully convinced now, that if we are ever to have a comprehensive and effective flood-control plan in America that we must stop the waters on the upper reaches of the Mississippi and the other rivers and streams of the country and not wait until the water gets down toward the mouth of such streams where it is absolutely impossible to control the raging devastating floods that sweep everything before them.

May I say that I am tremendously interested in flood control on the Mississippi, as well as on its tributaries? But I am thoroughly convinced that there will never be any real flood control by constructing levees and dykes only on the lower Mississippi.

A few years ago I went with the Flood Control Committee down the lower Mississippi on an inspection tour. We were on a little boat on the Mississippi where we rode most of the way from Cairo, Ill., to New Orleans. We crossed the Mississippi many times, and strange as it may seem, when our committee got within less than 50 miles of New Orleans our little boat, with a clearance of only 5 or 6 feet, struck a sand bar and there we were stranded for hours because of the millions of tons of soil that had been washed from Oklahoma, Missouri, Iowa, Ohio, Illinois, and the other States down near the mouth of the Mississippi. When we reached the mouth of the great Father of Waters we saw that red dirt going out for miles and miles into the Gulf of Mexico, and I became more and more convinced that if we were to solve this gigantic problem we must build a system of reservoirs on the upper reaches of the Mississippi and its tributaries in connection with a real Nation-wide soil-conservation program. [Applause.]

Our committee was taken out in the lower valley, 15 or 20 miles from the channel of the Mississippi River, where we saw houses in treetops 20 feet high, a pitiful sight to behold. Such scenes should convince anyone that it would be absolutely impossible to build dikes, levees, and floodways to control that ocean of raging water on the lower Mississippi at flood stages. I know it cannot be done if we continue to ignore the upper tributaries. Frankly, I have a deep feeling that it is wasteful extravagance to continue to pour millions of dollars into the lower Mississippi and fail and refuse to make any effort to check the floods before they get to the lower Mississippi.

It is needless for me to say that I am going to support the pending amendment of the gentleman from Arkansas, because I am convinced it points the way to sane, sound, and practical flood control. If adopted, not one of the 26 proposed reservoirs will be constructed in the district I have the honor to represent in Congress, so I cannot be charged with having a selfish interest.

May I add that I shall support the Miller amendment for the further reason that I am convinced it proposes the proper policy concerning the great, perplexing problem of flood control? Now or later this Congress is going to be compelled to adopt a policy with reference to flood control, and we are never going to solve the flood-control problem until we approach it in the sane, sensible manner of building reservoirs and stopping the water—or at least checking it—near where it falls. [Applause.]

May I stress the thought that, in my judgment, now is the time the Congress ought to adopt a permanent flood-control policy? It is high time that the Congress should decide if we shall continue the present makeshift method of wasting money on the lower Mississippi with utter disregard to the upper tributaries from whence all floods come.

Of course, Mr. Chairman, we hear the old story that if this amendment is adopted, it kills the bill. That is an old gag we have been hearing for many years—"if this amendment is adopted it will kill the bill" is always resorted to when sound argument cannot be offered.

Mr. DRIVER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I shall be delighted to yield to my good friend from Arkansas.

Mr. DRIVER. Can the gentleman point to any one project that this Congress has ever authorized that was not based upon the recommendation of the Army Engineers?

Mr. JOHNSON of Oklahoma. No; I know of none. But since the gentleman raises that question, may I remind him that each of the 26 reservoirs provided to be constructed under the Miller amendment has received the approval of the Army Engineers. Of course, we all know that the Army Engineers have favored the lower Mississippi Valley and that very few of them look with favor on reservoirs. And yet they admit that these proposed 26 reservoirs would lower the Mississippi at flood stage more than 5 feet.

Mr. DRIVER. Mr. Chairman, will the gentleman yield further?

Mr. JOHNSON of Oklahoma. Yes; I yield again to my distinguished and able friend from Arkansas.

Mr. DRIVER. My statement is made in view of the fact that the project bill now pending in the Senate carries \$365,000,000 of authorized projects recommended by the engineers.

Mr. JOHNSON of Oklahoma. Oh, yes; but who in the world can tell what the body at the other end of this Capitol Building will do about flood control or on any other matter of legislation? [Applause.]

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

#### FLOOD-CONTROL WORKS IN THE ALLUVIAL VALLEY OF THE MISSISSIPPI RIVER

Mr. WHITTINGTON. Mr. Chairman—

Mr. FULLER. Mr. Chairman, I want to ask the chairman of the committee a question.

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Arkansas?

Mr. WHITTINGTON. No; I do not yield. Mr. Chairman, the bill under consideration involves no new plan, no new projects. It is an amendment to the Flood Control Act of May 15, 1928. It provides for the enlargement and expansion of that act.

It is confined to the alluvial valley of the lower Mississippi River. The Flood Control Act of May 15, 1928, was passed after the most exhaustive hearings ever conducted by the Committee on Flood Control.

Mr. FULLER. Mr. Chairman, the gentleman is making a very interesting speech and he ought to have a better audience. I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Arkansas makes the point of no quorum. The Chair will count. [After counting.] One hundred and seven Members are present, a quorum.

Mr. WHITTINGTON. Mr. Chairman, the bill under consideration for flood-control works in the alluvial valley of the Mississippi River involves no new projects. It provides for an authorization of \$272,000,000 to be expended over a 6-year period. The bill is an amendment to the Flood Control Act of May 15, 1928. That act was passed by Congress after most thorough and exhaustive investigations. The Mississippi River has been studied by the Corps of Engineers for more than a hundred years.

The Flood Control Act of 1928 is sound from an economic and engineering standpoint. Levees along the main river were raised, strengthened, and enlarged; they were supplemented by floodways and diversions. The New Madrid floodway was to protect the territory in the vicinity of Cairo; the Boeuf diversion was to protect the area between the Arkansas and the Red Rivers; the Atchafalaya floodway was to provide for an additional outlet to the Gulf; the Bonne Carre spillway was primarily for the protection of the city of New Orleans.

At the time the project was adopted, all methods of flood control were considered, including the reservoir plan. The act provided for additional studies with the view to substituting reservoirs between Cape Girardeau and Baton Rouge for the Boeuf diversion. Further studies were made; the policy of diversions was reaffirmed. The Flood Control Committee of the House on January 28, 1932, requested the Chief of Engineers to examine and review the project with the view of determining if changes or modifications should be made in its final execution.



Prior to the great flood of 1927 all of the natural outlets had been closed; the last outlet to be closed was Cypress Creek in the vicinity of Arkansas City. There was a natural outlet in the vicinity of Arkansas City that provided for the escape of excessive floods through the Boeuf and Tensas Basins. Prior to 1916 this outlet was 12 miles wide. The Mississippi River Commission, representing the Government, permitted the outlet to be closed. In 1919 it was only 1,200 feet wide. In 1921 the Cypress Creek outlet was closed; the Mississippi River Commission committed a blunder; a monumental mistake was made. It was thought that levees only would solve the problem of flood control in the lower Mississippi Valley. As a result of the closing of Cypress Creek, the lands were cleared, cities were established, drainage canals were constructed, and highways were built. The people relied upon the Government.

In the Flood Control Act of 1928 a fuse-plug levee was provided at the head of the so-called Boeuf diversion. Other levees above and below and on the opposite side were raised, strengthened, and enlarged; the fuse-plug levee was to remain substantially at the 1914 grade. The plan is and was that excessive floodwaters would crevasse the weaker and lower levee and thus divert the waters through the Boeuf Basin. Guide levees were provided.

Section 4 of the Flood Control Act of 1928 declared that the United States would provide flowage rights for the destructive waters that were passed by reason of the diversion from the main channel. The people in the Boeuf Basin construed the act to mean they would be entitled to payment for flowage rights. An opposite view is entertained by the Chief of Engineers.

I opposed the fuse-plug levee. I advocated then, and advocate now, an automatic, controlled diversion, with compensation for flowage rights. The fuse-plug levee has always been a source of irritation and dissatisfaction.

Meantime, property owners in the Boeuf Basin filed suits for large amounts of damages. These suits are pending. After carefully studying the adopted project, Maj. Gen. Edward M. Markham, Chief of Engineers, on February 12, 1935, in House Flood Control Committee Document 1, Seventy-fourth Congress, first session, submitted a report and recommended an amendment to the Flood Control Act to provide for the substitution of a controlled diversion at Eudora for the Boeuf diversion, to provide for the Morganza floodway and the Atchafalaya floodway and to provide for projects for the St. Francis River and the Yazoo River, important tributaries of the Mississippi River, located wholly within the alluvial valley.

#### AMENDMENT

The pending bill contains the recommendation of the Chief of Engineers. It is approved in the main by him. The purpose is to modify, enlarge, and perfect the plan adopted in the act of May 15, 1928.

The Flood Control Act of May 15, 1928, declared that the problem in the lower Mississippi Valley was national. The act affirmatively declared that the people of the lower Mississippi Valley had complied with the principle of local contribution and stated that they had contributed prior to 1927 approximately \$292,000,000. The act further declared, and I quote:

No local contribution to the project herein adopted is required.

While the act specifically provides that the Federal Government will pay for the flood-control works, it required the local interests to furnish the rights-of-way for levees along the main river. This involved large expenditures. The local interest are now paying heavy levee taxes. There were outstanding bonds for works that had been constructed prior to 1927; interest and maturities must be met. The local interests were required to maintain the works. As shown by a letter of the Chief of Engineers to the chairman of the Flood Control Committee of the House dated April 23, 1935, the local interests in the lower Mississippi Valley, since May 15, 1928, up to that time—more than a year ago—had expended an additional \$41,413,630.66.

The act of May 15, 1928, authorized an appropriation of \$325,000,000. Of this amount approximately \$100,000,000 was in aid of navigation.

The pending bill, which is an amendment of the act, authorizes an appropriation of \$272,000,000, of which approximately \$72,000,000 is for navigation works. The Mississippi River is the longest navigable river in the world; the Ohio is navigable; the Missouri is being made navigable. It is interesting to recall that the total tonnage along the Mississippi River in the very heyday of steamboat activities and prior to the elimination of river traffic by railways was around 6,000,000 tons. The annual tonnage is now around 20,000,000 tons. The Mississippi River is the most important navigable river in the United States; for 300 miles above its mouth it has a channel 30 feet deep; ocean-going vessels are accommodated the year round. The large expenditures made for navigation along the Ohio, the upper Mississippi, and the Missouri Rivers would be in vain if provision were not made for navigation in the lower Mississippi River. The navigation works are continuous; bars in rivers must be cleared and bars in harbors must be removed.

#### ESTIMATE

Of the \$325,000,000 authorized in the Flood Control Act of 1928, expenditures have been made, properly chargeable to improvements for flood protection, aggregating about \$205,000,000. Some \$70,000,000 has been expended for improvements for navigation. The authorization of \$325,000,000 was an estimate. I quote from the report of the Senate Committee on Commerce on the Flood Control Act of May 15, 1928, which report is dated March 24, 1928:

This work is of such magnitude that the sum of \$325,000,000 must be considered as simply an estimate; the actual cost of the work will doubtless be much more. If, as the work nears completion, an additional sum is found to be necessary, there can be no doubt but that Congress will authorize its appropriation.

Gen. Edward M. Markham, Chief of Engineers, emphasized that no responsible person ever entertained the idea that \$325,000,000 would complete the project authorized by the act of May 15, 1928. He called attention to the fact that the Mississippi River Commission, in its report, stated that it would cost, roughly, \$775,000,000.

#### SOUND

The gentleman from Arkansas [Mr. MILLER] urges that the Arkansas and the White Rivers be accorded the same treatment as the lower Mississippi River. The friends of flood control will not be deterred. He speaks disparagingly of the pending bill by calling it sacred. He has used an incorrect term. Sacred is hardly a proper term to apply to legislation, whether it be on the lower Mississippi River or its chief tributaries; in fact, I doubt if the word "sacred" is applicable to legislation generally, but it is important that legislation be sound. It is important that it be economically justified. It is because the pending bill is sound and economically justified that no amendment should be made.

All projects should stand on their merits. The Arkansas and White Rivers are entitled to the same treatment accorded to other tributaries and to other similar rivers. The case is not on all fours with the St. Francis and Yazoo. These rivers are influenced by the waters of the Mississippi River and are located wholly within the alluvial valley.

#### NATIONAL FLOOD CONTROL

Two bills are pending in Congress. The Overton bill has been passed by the Senate and is now under consideration here. The omnibus flood-control bill to provide for the Arkansas, White, and other rivers, has passed the House and is now under consideration in the Senate.

I believe that flood control is a national problem. The administration is attacking the problem in two bills. The Mississippi River presents entirely different questions from those that occur on other streams. The pending bill is applicable to the alluvial valley. I am sympathetic with flood control on all rivers and on all streams. I will continue to promote all worthy projects in the Omnibus Flood Control Act. Public opinion has been focused upon flood control as



a national issue by the destructive floods of the past few years. I believe that those who dwell along the tributaries of the Mississippi River will promote national flood control by insisting that worthy projects be retained in the omnibus bill, that all projects stand on their merits, and that the Federal contributions be most liberal. At the same time national flood control will be promoted by the passage not only of the omnibus bill but of the pending bill.

I voted for flood-control works along other rivers. Without criticizing, I thought it would be unwise to oppose reservoirs along the Monongahela, along the Colorado, along the Tigris, along the Columbia, and along the Tennessee Rivers merely because those acts did not provide for the lower Mississippi River. I did not pursue the unwise course of undertaking to amend the Tennessee Valley Authority or other projects by insisting that they embrace the lower Mississippi Valley. As I have stated, all legislation should be considered on its merits.

#### ARKANSAS AND WHITE RIVERS

The gentleman from Arkansas [Mr. MILLER] and the gentleman from Arkansas [Mr. TERRY], repeatedly stated before the Committee on Flood Control, and they now state, that they do not oppose the pending bill or any of the projects in the bill, but they ask that it be amended so as to include reservoirs along the Arkansas and White Rivers.

Personally, I should like to see the reservoirs constructed at Federal expense, but the Chief of Engineers and president of the Mississippi River Commission state that the building of the reservoirs would not eliminate the Eudora diversion; in other words, the Chief of Engineers has repeatedly stated that he favors the pending bill, but that he would oppose it if provision is made for the building of the Arkansas and White reservoirs at Federal expense. He maintains these reservoirs are valuable primarily for local flood control. At the same time, he is frank to admit, as I am glad to say, that they are the best reservoirs for flood control insofar as the lower Mississippi River is concerned. He asserts that equivalent protection at much less cost to the people of the country can be provided by the Eudora diversion.

#### DAMAGES

It has been repeatedly urged that much of the authorization of \$272,000,000 will be used to pay for lands and flowage rights in the Eudora and other floodways.

The Public Treasury is protected. Only a small part of the authorization can be devoted to acquiring lands and flowage rights for floodways.

Under section 12 of the bill, a floodway 10 miles wide and more than 100 miles long is contemplated. Improved lands, highways, and canals are involved. The area in the Eudora floodway and in the set-back levee district in the vicinity of Arkansas City is approximately 822,000 acres. It is well to keep in mind that the Chief of Engineers recommends the Eudora floodway as a substitute for the Boeuf floodway, because the Boeuf floodway would be more expensive and would embrace more than a million acres of land.

The pending bill provides that not more than \$20,000,000 shall be paid for 75 percent of the flowage rights and rights-of-way in both the Eudora and Morganza floodways. In the Morganza floodway there are some 65,000 acres of land. I repeat, but a small part of the authorization is for lands and flowage rights; it is to be devoted to flood-control works, including levees and spillway structures.

#### MINORITY REPORT

There is a minority report signed by the Republican members of the committee, with one Democrat. Those signing the minority report do not oppose the pending bill; they admit that legislation for the lower Mississippi is imperative, but they ask that no bill be passed unless that bill embraces all rivers in the United States. The administration has a different plan. The problem is to be solved by two bills. The Overton bill deals with the lower Mississippi River; the omnibus flood-control bill embraces other rivers in all other parts of the country. The administration evidently favors both bills. The Republican members of the committee advocate delay. The country demands flood-

control legislation. We have postponed the matter long enough; the time for action has arrived.

It is passing strange that those who are responsible for the minority report advocate for tributaries of the Mississippi River the exact provisions of the pending bill for the Yazoo and St. Francis Rivers. They fail to discriminate; they fail to consider all of the factors; they overlook the fact that these two rivers are wholly in the alluvial valley; that they are unlike any other stream. They overlook the fact that these two rivers are now and have been for 75 years contributing to flood-control works along the lower Mississippi River.

The south bank of the Arkansas and the west bank of the Red River have been provided for. The pending bill merely does for the Yazoo and the St. Francis in the headwater area what has been done for the Arkansas and Red in the backwater areas.

It is easy to criticize; it is most difficult to construct. The minority report calls attention to a newspaper interview purported to have been given by General Ferguson, president of the Mississippi River Commission, to the Times-Picayune on April 8, 1936. This is but a sample of the fallacy of the minority report. When Mr. MILLER, of Arkansas, referred to the matter in his statement before the Flood Control Committee, as shown by the hearings April 30-May 1, 1936, page 47, General Ferguson wired as follows:

No statement made by me to newspapers was intended to infer that my views on the need of Eudora or other floodways have been changed from those given before the House Flood Control Committee in 1935.

If the minority report had been fair, instead of quoting from a newspaper report, General Ferguson's statement to the committee would have been quoted. General Ferguson stated before the Flood Control Committee of the House in 1935 and before the Commerce Committee of the Senate in 1936 that the construction of reservoirs along the Arkansas and White Rivers would not eliminate the necessity for the Eudora floodway. Maj. Gen. Edward M. Markham, Chief of Engineers, repeatedly over and over again stated that the reservoirs along the Arkansas and White would be additional factors of safety, but that he could not recommend that they be constructed at Federal expense. He emphatically stated that equivalent relief at much less cost could be obtained by diversions.

Mr. Chairman, in this connection, under consent given, I include the following letter from General Markham, the Chief of Engineers, to the chairman of the committee, dated April 28, 1936. The letter is as follows:

APRIL 28, 1936.

HON. RILEY J. WILSON,  
Chairman, Committee on Flood Control,  
House of Representatives, United States,  
Washington, D. C.

DEAR JUDGE WILSON: When I received from you several days ago certain newspaper articles quoting statements attributed to General Ferguson with respect to the control of the Mississippi River by means of cut-offs, dredging, and sand dikes, I instructed General Ferguson to wire me what he wished to say having any relation to the necessity for the Eudora floodway. In answer I have received the following telegrams:

CHIEF OF ENGINEERS, UNITED STATES ARMY,  
Munitions Building, Washington, D. C.:

The Eudora floodway is necessary. I urgently recommend that all the engineering work recommended in the report of the Mississippi River Commission be authorized.

FERGUSON.

CHIEF OF ENGINEERS, UNITED STATES ARMY,  
Munitions Building, Washington, D. C.:

Re tel twenty-fifth no statement made by me to newspapers was intended to infer that my views on the need of Eudora or other floodways have been changed from those given before House Flood Control Committee in 1935.

FERGUSON.

Pertinent testimony by General Ferguson on this subject will be found on pages 75, 76, 77, and 78 in hearings before a subcommittee of the Committee on Commerce, United States Senate, Seventy-fourth Congress, second session, on S. 3531, a bill to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928 (Jan. 27, 28, 29, and 30, 1936).

The ultimate effects of cut-offs, dredging, and sand dikes on the control of the floods of the Mississippi River are at this time unknown. The beneficial effects which can be hoped for by such



measures are not sufficiently large to warrant the consideration of them as a substitute for the floodways and other positive measures that have been recommended by me.

Yours very truly,

E. M. MARKHAM,  
Major General, Chief of Engineers.

Mr. Chairman, also in this connection, under the consent given, I include a letter from the Chief of Engineers to the chairman of the committee, reporting on the bill under consideration and approving the bill, as I have stated, except as to section 5, which letter is dated April 30, 1936, and is as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, April 30, 1936.

HON. RILEY J. WILSON,

Chairman, Committee on Flood Control,

House of Representatives, Washington, D. C.

DEAR JUDGE WILSON: In compliance with your request to me at the hearings before the Flood Control Committee of the House on April 30, 1936, I have to inform you that bill S. 3531, a bill to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928, as amended and passed by the Senate on April 21, 1936, with the exception of section 5 now conforms to the views of the Department and satisfies the objections urged to the bill in the report of the Secretary of War of February 15, 1936, to the Commerce Committee of the Senate, which report was made prior to the amendments that were adopted by the Senate.

Yours very truly,

E. M. MARKHAM,  
Major General, Chief of Engineers.

#### ECONOMICALLY JUSTIFIED

Those who advocate flood-control works under the guise of solving the problem in the lower Mississippi River, but in reality for local flood protection along the tributaries, often assert that the money heretofore appropriated by Congress for flood protection along the lower Mississippi Valley has been wasted. The statement is utterly inaccurate. Every dollar appropriated under the act of May 15, 1928, will be conserved; all levees constructed will be continued; all works will be utilized. The whole purpose of the pending bill is to expand and to enlarge the project so as to provide for the execution of the plan contemplated.

#### RESERVOIRS

Reservoirs provide an ideal method of flood control from a strictly engineering standpoint, but for the control of the floods in the alluvial valley of the Mississippi River the costs are excessive. The costs of reservoirs on the headwaters or tributaries for flood control in the lower stretches of alluvial rivers are really prohibitive.

Reservoirs are effective for the control of floods especially along the smaller streams and tributaries of the larger rivers.

The reservoirs for protection of the areas along the headwaters of the tributaries of the Mississippi River will not provide for the prevention of floods along the main river. It is essential that reservoirs for this purpose be located close to the alluvial valley, as in the case of the reservoir along the St. Francis River and the reservoirs along the Yazoo River system.

Reservoirs for flood control along the lower Mississippi River have been advocated especially by those who live along the tributaries.

Section 10 of the Flood Control Act of 1928 directed the Mississippi River Commission to investigate most thoroughly reservoirs along the tributaries. The purpose was to ascertain if reservoirs could be constructed so as to eliminate provisions for diversions or floodways.

A comprehensive report was submitted and was published as House Document 259, Seventy-fourth Congress, first session. One hundred and fifty-seven reservoirs were investigated; the total capacity was approximately 94,000,000 acre-feet; the estimated cost was \$1,126,121,000. The Chief of Engineers, the Board of Engineers for Rivers and Harbors, and the Mississippi River Commission reported that if these reservoirs along the Mississippi River were constructed and in operation, a diversion either through the Boeuf Basin or through the Macon Basin at Eudora could be eliminated, but they further reported, as all accomplished engi-

neers agree, that the levee system that now obtains, with the reservoir system, would be imperative and must be maintained to protect the lower Mississippi Valley from maximum floods.

Those promoting reservoirs for local flood control along the tributaries of the Mississippi River make the mistake of asserting that the policy of levees has failed. In their eagerness for local protection at Federal expense they would destroy protection in the lower Mississippi Valley.

Gen. H. B. Ferguson, President of the Mississippi River Commission, in testifying before the Flood Control Committee of the House in May 1935, said that about 12 percent of the storage of the 157 reservoirs at about 14 percent of the estimated costs of the 157 reservoirs had been constructed at Fort Peck, on the Muskingum, the Tigris, and the Tennessee Rivers, but he stated that the combined effect would be to reduce the floods only 50,000 cubic second-feet at the mouth of the Arkansas River, where in a maximum flood there are a million cubic feet that must be diverted. The effect would be to reduce the floods at the mouth of the Arkansas River one-half a foot.

Again, Gen. Edgar Jadwin, Chief of Engineers, estimated that in the flood of 1913 if all of the water flowing by Pittsburgh on the Ohio River, all of the water flowing by St. Paul on the Mississippi River, and all of the water flowing by Sioux City on the Missouri River had been held back by reservoirs, the flood waters south of Cairo would have been reduced by only 2 percent.

The reservoirs on the Miami River in Ohio contribute to reducing the Cairo gage one-fifth of an inch.

Arthur E. Morgan, Chairman of the Tennessee Valley Authority, made the following statement in connection with the great Mississippi flood of 1927:

The excessive rains which cause any single flood seldom extend over more than 20 percent of the whole drainage area of the Mississippi River. \* \* \* Flood control of the lower Mississippi by means of reservoirs on the headwaters of the streams is a delusion.

The Chief of Engineers has repeatedly testified in hearings on flood control that the control of the floods in the lower Mississippi Valley cannot be accomplished by reservoirs on the tributaries of the Mississippi River. The cost of construction is prohibitive and the time required would unduly and dangerously delay protection, but if constructed the diversions are necessary insurance while the reservoirs are being built.

Reservoirs constructed primarily for flood control cannot be used for the development of power or for reclamation. It takes an empty reservoir to provide for flood prevention, while it takes a full reservoir to generate power.

Again, reservoirs constructed for flood-control purposes to benefit the lower Mississippi River cannot benefit the local areas as fully and as completely as reservoirs constructed primarily with the view to protecting the local area along the headwaters of the tributaries. The most effective reservoirs for flood control along the lower Mississippi River are those that are located closest to the alluvial valley, as in the Yazoo River project.

But there is a place for reservoirs; they are beneficial for flood control along the tributaries. There are areas that can be protected by the use of dams. This is especially true where the benefits will exceed the costs of construction.

The best way to promote reservoirs along the tributaries is to concede that they supplement but cannot substitute for levees or diversions along the lower Mississippi River.

#### MISSISSIPPI RIVER

The alluvial valley of the Mississippi River extends from Cape Girardeau, Mo., to the head of the passes where the river flows into the Gulf of Mexico. The distance by river is 1,100 miles, but as the crow flies the distance is 600 miles. The valley ranges from a width of 20 miles in the vicinity of Natchez to a width of 80 miles in the vicinity of Greenville, the average width being 50 miles. Twenty million acres, before the building of levees, were subject to overflow. The



major floods come on an average of once in 15 years. Ordinary or minor floods occur from 5 to 10 years. The area includes the St. Francis Basin in Arkansas, the Yazoo Basin in Mississippi, the Tensas Basin, composed of the Boeuf and Macon Valleys, the Atchafalaya Basin, and the LaFourche Basin, as well as the alluvial lands adjacent to the Mississippi River on the east bank around Lake Ponchartrain in Louisiana.

The territory drained by the Mississippi River and its tributaries consists of all or parts of 31 States, is equivalent to 41 percent of the area of the United States, and has a total area of 793,600,000 acres.

The problem of flood control in the lower Mississippi Valley involves confining the waters between levees along the main river and diversions and floodways to supplement the levees along the main river that formerly constituted a mighty river 50 miles wide from Cairo to the Gulf of Mexico.

In the pending legislation we are dealing with the greatest valley in the world. The Mississippi River is in reality not only the chief navigable river in the United States, but it is the great drainage canal of the Nation. Hundreds of millions of dollars have been expended along the Ohio, the Missouri, and the upper Mississippi for navigation. Unless there is an outlet to the sea through Mississippi with a dependable channel, improvements for navigation in the upper stretches and tributaries of the Mississippi River are in vain.

Bienville chose the site for New Orleans because it was above high water at the time he found it. The first levee built at New Orleans was in 1717. Ten years later it was the boast of the Governor that the levee was a mile long and 18 feet wide. The country was being settled; lands were being cleared. By 1812 the landowners had leveed the river on both banks for 340 miles above and below New Orleans.

By 1927 the entire levee line from Cape Girardeau to the Gulf had been substantially completed to the 1914 grade. The total amounts contributed by the Federal Government for building the levees, as compared with the local contributions, were small. All of the natural outlets were closed except the outlet through the Atchafalaya River.

The history of the improvement of the Mississippi River is interesting. The improvements were begun and continued until 1927 primarily in aid of navigation. Flood control came in at the back door.

Congress in 1820 appropriated \$5,000 to investigate the Ohio and Mississippi Rivers. S. Bernard and Joseph G. Tutten, Army engineers, made the surveys and submitted the report in 1822. It was in 1850, upon the election of Gen. Zachary Taylor as President, that Congress appropriated \$50,000 for starting the surveys made by the Army engineers Humphreys and Abbott. General Taylor had been a cotton planter in Louisiana; he had lived on the banks of the Mississippi River. The report of these engineers made in 1861 remains as the most authoritative report ever published on the Mississippi River, or on any other river.

During the War between the States improvements along the Mississippi River were interrupted. Following the war the States and local interests were unable to rebuild. The levees built by the local interests were destroyed during the war by the armies of the contending forces for military purposes. The great floods continued to appear.

From the first Federal aid for improvements along the Mississippi River was primarily for channel stabilization to promote navigation. However, leading statesmen advocated flood control—Henry Clay, John C. Calhoun, Thomas H. Benton, Abraham Lincoln, and James A. Garfield were among the American statesmen who advocated the improvement of the Mississippi River for commerce and for flood control.

The Mississippi River Commission was organized in 1879. In 1881 Congress appropriated \$1,000,000 for improvements on the Mississippi River, primarily for navigation.

An appropriation of \$4,000,000 in 1882 was vetoed by the President. Subsequent appropriations were increased and by 1912, \$6,000,000 was being appropriated annually.

The Flood Control Act of 1917 authorized the first definite appropriation for flood control. The Government contributed one-half the costs of building levees where the local interests

had been unable to build them. The work was interrupted and impeded by the World War. A subsequent Flood Control Act was passed in 1923 with an authorization of \$60,000,000. It was intended to supplement and reinforce the Flood Control Act of 1917, interrupted, as I have stated, by the World War.

The policy of levees only prevailed. The Cypress Creek outlet in the vicinity of Arkansas City, at the head of the Boeuf Basin, was the last natural outlet to be closed. A monumental mistake was made. This outlet was closed in 1921. The great flood of 1927 demonstrated that levees only would not solve the problem. Two hundred and forty-six people lost their lives; 700,000 people were driven from their homes; the lower Mississippi Valley was flooded from April until August; no crops were made; property was damaged and destroyed, according to the report of the Chief of Engineers, in value from \$200,000,000 to \$400,000,000. The American people voluntarily contributed, through the American Red Cross, for rescue and relief work, \$18,000,000.

Congress, in response to public sentiment, put its hand to the plow. The people of the lower valley had done their best; they had spent \$292,000,000, according to the report of the Chief of Engineers, in an effort to protect their lives and their property. It was apparent to the country that they were unable to protect themselves from the waters that came from points as far east as Pittsburgh and as far west as Idaho, and from the waters of all the territory between the Alleghenies and the Rockies.

The local interests had incurred large indebtedness in building the levees to the 1914 grade. There were millions of dollars in outstanding bonds; recurring floods had resulted in bankruptcy to some of the local levee boards. The Flood Control Act of 1928 was passed; \$325,000,000 was authorized. The project provided for diversions, spillways, and floodways to supplement levees.

I repeat to emphasize that the pending act is to amend the Flood Control Act of 1928 and to provide for the perfection and completion of that act. I repeat to emphasize that all levees constructed and other flood-control works built will be utilized, and that all of the moneys heretofore appropriated for flood control along the Mississippi River will be utilized. No improvements will be discarded and no money has been wasted.

#### CONSERVATION

I believe in the conservation of the soil as well as the conservation of all our natural resources. I favor the policy of reforestation. There is no conflict between these measures and plans for flood control. They are worth while; they can stand on their merits. It is not necessary for those who advocate the conservation of natural resources to maintain that the policy will result in the control of floods. Those who advocate reforestation and soil conservation as substitutes for flood-control measures deal in generalities; they fail to submit any data to show either the costs or results of conservation or reforestation as flood relief and control methods; they overlook the fact that long before the soil was depleted or the forests were wasted there were great floods along all of the rivers and streams of the United States. Soil conservation and reforestation are by no means synonymous with works for flood control.

New times and new conditions demand new measures. I am interested in flood control along all rivers and in all States. I am interested in little waters, but I am emphasizing big rivers. The digging of a few ditches, the building of a few dams will not suffice. The planting of grass and trees and soil-conserving crops is not enough. There is a place for the policy of reforestation and soil conservation, but there is also a definite place in the program for flood-control works. There must be levees, floodways, and reservoirs. The two policies should supplement each other.

#### YAZOO AND ST. FRANCIS RIVERS

The Yazoo River in Mississippi and the St. Francis River in Arkansas are located in the alluvial valley. The Representatives from Arkansas will speak for the St. Francis River. I have studied the project; it is justified. I know



that the residents of both the Yazoo and St. Francis are now and have been for years taxed for flood protection along the lower Mississippi River. I speak especially of the Yazoo Basin.

There are 4,250,000 acres of land in the Yazoo Basin; there are two flood problems—one from the overflows of the Mississippi River and the other from the overflows of the Yazoo River. The Yazoo River system takes its source near the Tennessee line and flows southerly along the foothills of the Yazoo Basin and empties into the Mississippi River at Vicksburg.

As I have stated, the Flood Control Act of 1928 declared that flood control along the lower Mississippi River was a national question, and that the local interests should not be required to make contribution, but the fact remains that at the time of the adoption of the project the local interests were required to maintain the works after completion and to provide for rights-of-way. There were millions of dollars in bonds outstanding. The people in the Yazoo Basin, including the Yazoo River system, are now and have been for 75 years contributing to flood-control works along the Mississippi River; they have contributed approximately \$55,000,000. In addition, they have expended, as shown by the report of the engineers, \$20,000,000 for local protection. They have taxed themselves to the limit; they have paid for protection which they have not received. The cases of the Yazoo and the St. Francis Rivers are different from any other streams. No other streams, except those now protected in the alluvial valley, are paying for flood works along the lower Mississippi River. Flood-control projects, therefore, along the Yazoo and St. Francis Rivers are included in the pending bill. No other taxpayers have been or are now contributing to flood-control works along the Mississippi River. The valleys of these two tributaries are the largest, most productive, and highly improved along the Mississippi River.

The Yazoo project will protect approximately 1,570,000 acres of extremely fertile and productive land.

There were two maximum and excessive floods in 1932 and in 1933. In the flood of 1932, which was the largest flood in 50 years, 993,000 acres were flooded; in 1933, 600,000 acres were overflowed; in 1935, 550,000 acres were overflowed, with 25 deaths, and damages aggregated \$2,000,000. Substantially one-half of the area is cultivated and 90 percent is suitable for cultivation; there are some 400 miles of railways, 700 miles of improved highways, and more than 300,000 people are affected.

The Yazoo River is navigable. One million five hundred and seventy thousand acres in the headwater area and 300,000 acres in the backwater area will be protected. The proposed reservoirs will be located near the foothills. All engineers agree that reservoirs most beneficial for flood control in the alluvial valley are those that are located near the valley. There is an unusual opportunity to demonstrate the reservoir theory in the pending bill.

Under the Emergency Relief Act of 1935 an appropriation for the largest of the reservoirs has been made. During the present session Congress has already made an appropriation for the next fiscal year. One-third of the reservoir work has thus been authorized. The project was favorably recommended by the Director of the Budget and by the President of the United States. I know of no more beneficial project.

The Yazoo River is about 520 miles long. There are many and diverse interests. The Yazoo Delta is the home of long-staple cotton. The project would protect one of the most important and valuable areas of the United States and will demonstrate the practicability and desirability of the so-called reservoir system of flood control along the lower Mississippi River.

The local interests must do their part. Under the recommendations of the Chief of Engineers they are required to maintain the works, to furnish rights-of-way for all levees, and to pay for all highway relocations and damages.

The Yazoo River is the principal tributary of the Mississippi River on the east bank between Cairo and the Gulf of Mexico.

The Chief of Engineers recommends the reservoir system along this river as the most practical and economical method of flood control. He was most careful to state that while the floods along the main Mississippi River would be reduced at Vicksburg by 6 or 8 inches, his recommendation was not based altogether upon this fact. He emphasized the large area, the contributions to flood control along the Mississippi River, the backwater influence, the large expenditures made, and the necessity for a comprehensive plan. I would favor any similar project anywhere in the United States.

#### ANALYSIS

The bill is short. It was referred to the Chief of Engineers; the bill in its entirety was approved by him, except section 5. His favorable report on the bill appears on page 10 of the committee report. While he does not recommend section 5, it is fair to say that this section deals with an inconsiderable part of the authorization, and that, while the Chief of Engineers did not recommend section 5, this section is recommended, as shown by the hearings, by the Mississippi River Commission.

The committee report contains a careful and correct analysis of the bill section by section. There is no occasion to repeat the analysis here, except to say that the bill is an amendment of the Flood Control Act of 1928; is economically and engineeringly sound; provides for no new project; inaugurates no new policy; contemplates the enlargement and completion of the adopted project, and is recommended by the Chief of Engineers.

#### CONCLUSION

The Corps of Engineers of the United States are the ablest flood-control engineers in the country; they speak for the country; they are impartial. I know of no better agency to represent the country and the Congress. All projects are treated on their merits. I favor a policy of national flood control. The execution of the project should be under the Chief of Engineers. Congress can make no mistake when the recommendations of the Chief of Engineers are followed and adhered to.

Population is increasing; the hazards of floods are multiplying; the damages are increasing. The Federal interest in flood control is becoming more and more important. In our complex civilization, in our efforts to conserve and preserve our national resources and to protect life and property the policy of flood control will be expanded from time to time to meet new and changing conditions. The increasing hazards demand protection from floods that can be economically prevented.

The Flood Control Act of 1928, as amended in the pending bill, provides for the greatest river improvements in history. There are 20,000,000 acres of land in the alluvial valley; 12,000,000 acres are usable and will be protected when the project is executed; there are 4,000,000 acres in backwater areas and 4,000,000 acres in channels, diversions, and floodways. Eight million acres are protected about half of the time.

The leading nations in all of the ages, as a proper governmental function to promote the general welfare, have provided for public works. Permanent and beneficial public works always contribute to the progress and advancement of our common country.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include therein quotations from the hearings from the statements of General Markham and General Ferguson and a reply made by the president of the Mississippi River Commission to a newspaper article quoted by the minority report, and a letter from the Chief of Engineers to the chairman dated April 28, 1936, and to include a letter from the Chief of Engineers approving the bill under consideration to the chairman of the committee dated April 30, 1936.

The CHAIRMAN. Without objection, it is so ordered. There was no objection.



The CHAIRMAN. All time for general debate having been exhausted, the Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the project for the control of floods of the Mississippi River and its tributaries, adopted by Public Act No. 391, approved May 15, 1928 (45 Stat. 534), Seventieth Congress, entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", is hereby modified in accordance with the recommendations of section 43 of the report submitted by the Chief of Engineers to the chairman of the Committee on Flood Control, dated February 12, 1935, and printed in House Committee on Flood Control Document No. 1, Seventy-fourth Congress, first session, as hereinafter further modified and amended; and as so modified is hereby adopted and authorized and directed to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers.

Mr. MILLER. Mr. Chairman, I offer an amendment. Pending that, Mr. Chairman, I would like to ask someone a question for information. The debate on this amendment will probably run on for several minutes. I wonder if we want to go into debate on the amendment tonight.

Mr. WILSON of Louisiana. Yes.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. MILLER: Page 2, line 7, after the word "Engineers", insert a new section, as follows:

"The Chief of Army Engineers, under the direction of the Secretary of War, is authorized and directed to change, modify, and enlarge the engineering plans for the control of the floodwaters of the Mississippi River and its tributaries, adopted by the provisions of the act approved May 15, 1928, in accordance with the report of the Chief of Engineers on 13 reservoirs in the Arkansas River Basin and 13 reservoirs in the White River Basin, described in the report of the Mississippi River Commission of December 15, 1934, and in the letter of the Chief of Engineers, dated May 15, 1935, to Hon. RILEY J. WILSON, chairman, Committee on Flood Control, House of Representatives, the same being Document No. 2 of the Committee on Flood Control, House of Representatives, Seventy-fourth Congress, first session, and, as so modified, are hereby adopted and authorized and directed to be prosecuted as projects, under the direction of the Secretary of War and under the supervision of the Chief of Engineers.

"That the projects for flood control in the Arkansas River Basin and the White River Basin hereby adopted and authorized shall include the acquisition at the cost to the United States of all lands and flowage necessary to the construction of said reservoirs, except flowage of highways, and the project shall not be undertaken until States or responsible local interests shall give satisfactory assurance that they will undertake without cost to the United States all alterations of highways made necessary because of the construction of the reservoirs and pay all damages which may result by reason of highway alterations: *Provided*, That the reservoirs hereinbefore provided for may be located by the Chief of Engineers in his discretion: *And provided further*, That penstocks or other similar facilities adapted to possible future use in the development of hydroelectric power may be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers.

"All lands taken or used in carrying out the provisions of this section shall be paid by the United States as provided for in section 4 of the act approved May 15, 1928."

Mr. MILLER. Mr. Chairman, under this amendment the 26 reservoirs referred to are the 26 reservoirs that are listed in the Flood Control Committee, House of Representatives Document No. 2. They are the 26 reservoirs that the Army Engineers say will be most effective for the control of the flood waters of the Mississippi River. They are the reservoirs that will control 50 percent of the drainage area of the White River Basin and 55 percent of the drainage area of the Arkansas River Basin, or more than 50 percent of 183,000 square miles of territory, at a cost of \$126,719,000. That includes the entire cost, except the cost and damage to the highways. It follows exactly the formula laid down in the original bill with reference to the reservoirs in the Yazoo River system. I may say it follows exactly a provision that was adopted by the Senate this afternoon in an amendment to the omnibus flood-control bill now under consideration in the Senate, with reference to the payment of costs and with reference to the payment of damages for flowage rights for reservoirs that are authorized in that bill to be built in the Ohio Valley and other places.

In addition, Mr. Chairman, this amendment carries a provision authorizing the inclusion of penstocks and other facilities for the purpose of developing hydroelectric energy whenever the Chief of Army Engineers certifies their erection is

feasible. This provision also was taken from the omnibus bill and is a provision that was sent to the Senate Committee on Commerce by the Chief of the Army Engineers for the purpose of having those dams, in places where it is feasible, constructed so as to make possible the generation of hydroelectric energy. The erection of the reservoirs, however, is primarily for the purpose of flood control.

I have outlined all this amendment does. It adds \$126,000,000 to the bill but, let me say, Mr. Chairman, in all candor—and I appreciate the fact the debate has been rather warm; I appreciate the fact that gentlemen are very much interested in the bill—I am vitally interested personally, but aside from that I am more interested in the establishment in this Nation of a flood-control policy which adopts the reservoir system. [Applause.]

Let me say further that the erection of these 26 reservoirs fits in the general plan of reservoir flood control. They are part of the 151 reservoirs that will some day be built in the Mississippi Valley for the control of the flood waters of the Missouri, the Ohio, and other tributaries of the Mississippi. It is only a step in the ultimate direction. It cannot hurt the bill, arguments to the contrary notwithstanding. Those opposing the amendment express the opinion that it will wreck the bill, that it means the downfall of the bill and failure to obtain a bill, but that is their opinion. The question is, Shall we use our own judgment and do what we know is best or will we permit some department head to tell us what we shall do?

Mr. DRIVER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I addressed the question to a Member this afternoon asking him if he could point to one single measure that has been adopted by this Congress without a specific recommendation of the Engineers, and he answered that he could not; and you Members, including the oldest Member in service in this House, never witnessed any such action on the part of an American Congress.

I hail from Arkansas, a State in which there are more miles of the White River and as many miles of the Arkansas River as there are in all the other States through which these rivers flow. If this bill dealt with the Arkansas and the White Rivers as a treatment of the floods on these rivers and their control through reservoirs I would support it with all the energy I possess, but let me present to you the fact that the bill under consideration is an authorization for the completion of an adopted project.

It is free of other tributaries than those directly connected with the alluvial valley of the Mississippi River. The Army Engineers say to you and to me that even though we adopt this amendment and add \$126,000,000 to the authorization it will still be necessary to expend every dollar of the money they recommend in order to effectuate the safety of the alluvial valley. That is the situation we are in. In the light of this statement from the Board of Engineers do you think for one moment the President of the United States will approve a bill that carries \$126,000,000 more than the amount recommended by the Engineers? Consider this in all seriousness. Any man who wants to defeat this bill can do it, I am frank to say, by supporting this amendment. There is no use in kidding ourselves. Why should the President, who is guided by the advice of this aggregation of talent we have drawn together, approve a bill loaded as this amendment would load it when the Engineers will tell him that he must still expend the amount of money they recommend in order to effectuate this project?

Members asked me if the President said so. I tell you the President did not say so; but if he had, I would not have said it here, out of the usual regard we have for such communications; but I say to you he did not say so. I still believe, however, that the President is a man who will be guided by the advice of those who are there to give him information; and if he is so guided, do you think he is going to approve a bill that carries such a large sum of money which will have no effect at all on the purpose of the bill to complete the Mississippi River project?



Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DRIVER. I yield gladly.

Mr. JOHNSON of Oklahoma. Is it not a fact that these proposed reservoirs are the best reservoirs that can be built on the upper Mississippi?

Mr. DRIVER. There is no doubt in the world about that. The Engineers in their report have said that the most effective reservoirs would be those on the Arkansas and the White Rivers.

[Here the gavel fell.]

Mr. DRIVER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DRIVER. The Engineers have reported that, so far as the White and the Arkansas Rivers are concerned, reservoirs on these rivers will effectuate more complete control than reservoirs on any other rivers tributary to the Mississippi. If, therefore, we disregard the engineering recommendations and look forward to controlling the floods of the Mississippi River by the reservoir system, then the expenditure of this \$126,000,000 will reduce the flood height  $4\frac{1}{2}$  feet when we need 12 feet to insure the safe passage of the water without destroying the valley. They say we will get  $2\frac{1}{2}$ -feet reduction from bend cut-offs.

We get 7 feet—5 feet more—which leaves the diversion at the same cost they recommend here, without the inclusion of the reservoirs. If we disregard the Engineers' recommendations and confine ourselves to reservoirs, 26 in number, the cost will be \$126,000,000. To get an additional 5 feet in the unfavorable areas, how much more money will it cost? It is a fact if these 26 reservoirs cost \$126,000,000 we will need at least \$200,000,000 more for less-favorable reservoirs to provide the additional 5 feet.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I would like to submit a unanimous-consent request with reference to time.

Mr. RICH. May I ask the gentleman what the intention of the Chairman is about going on with the debate this evening?

Mr. WILSON of Louisiana. I was hoping we might finish the bill.

Mr. RICH. There are quite a number of Members who want to be heard on these amendments. It is now practically 5 o'clock, and it will be 7 o'clock before we get through. We cannot finish the bill in less than 2 hours.

Mr. WILSON of Louisiana. Can we not agree to limit the debate to 20 minutes?

Mr. RICH. I do not know. There are a lot of Members who want to be heard.

Mr. MILLER. I would suggest that the debate on this particular amendment might be closed in 20 minutes. I do not refer to the section, but to the particular amendment.

Mr. RICH. Is it the intention of the Chairman to go on and finish the bill tonight?

Mr. WILSON of Louisiana. I would be glad to do that if we could. I do not know how many amendments will be offered.

Mr. Chairman, I ask unanimous consent that debate on the pending amendment close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. WHITTINGTON. Mr. Chairman, reserving the right to object, as a member of the committee, I should like to have at least 5 minutes.

Mr. FULLER. Mr. Chairman, I should like 6 or 7 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. WHITTINGTON. May I suggest that the gentleman modify his request and make it 25 minutes.

Mr. WILSON of Louisiana. Mr. Chairman, I modify the request and ask unanimous consent that debate on this amendment close in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FOCHT. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD, at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FOCHT. Mr. Chairman, the day has been given to the question of flood control and water power, and much has been said on the subject that is informative and makes finally clear the fact that our contention made on Monday, April 8, 1935, as to the control of the floodwaters of the Mississippi River finds full support, more than a year later, in many speeches by prominent Members of this body. The CONGRESSIONAL RECORD of April 8, 1935, contains the following:

Mr. CARTER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, for many years I have listened to the discussions of rivers and harbors bills. In the earlier days most of the time was taken up in characterizing the rivers and harbors bills as "pork barrel" bills. It was some time until I fully comprehended what that meant. I am delighted to say today, however, that I have good faith in my friend of all these years, the gentleman from Texas [Mr. MANSFIELD] and chairman of this committee, his knowledge of legislation, and his understanding of what "pork barrel" means, to know that he would not sanction the reporting of any such measure to this House, as was once done. He has given us, furthermore, wonderful information in regard to the purpose of this bill.

Most of the bills that relate to water and the West have had to do with irrigation schemes and plans and with power and lights. I would like to call your attention to another phase which might be encompassed within the range of a rivers and harbors bill. I have read of the devastating floods of the Mississippi. It seems to me these two purposes—irrigation and electric light and power—for which vast sums of money have been appropriated, could well stand aside for a moment while we consider this uncontrolled flood force which destroys but which could be converted to useful purposes if given proper attention; and in the short time at my disposal I shall give you several concrete examples of how it might be done. After I had looked over these two particular instances, I was in great wonderment why the intelligence of this House had not been aroused by the recurrence of these destructive floods on the Mississippi River; how it was they had failed to direct the attention of the committee and the country to putting barriers before these floods on the tributary streams.

I shall cite you two cases in Pennsylvania, and I hope you will investigate at least one. There are Members from western Pennsylvania who are familiar with what we call the Pymatuning Swamp proposition, and they may tell about this wonderful accomplishment.

While I was a member of the Water Supply Commission of Pennsylvania, during a vacation from this House, and associating with eminent men like John Birkenbine, who built many dams in the South, and is known to be one of the greatest hydroelectric engineers in the world, they impounded that water; and that great section, including part of Ohio, has been made safe from floods. The water is impounded during flood times and stored against use in the summer season to give them ample water supply for their mills on Beaver River, a tributary of the Ohio.

But the greatest engineering feat, with completely satisfactory results, is but 60 miles from Washington, at Safe Harbor, just over the line in Pennsylvania.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Pennsylvania.

Mr. FOCHT. The State of Pennsylvania has an area of 45,126 square miles. The watershed that supplies the north and west branches of the Susquehanna River of Pennsylvania covers an area of half the 45,126 square miles of the State; yet the young engineer, John Walls, who later built dams for the Italian Government, can sit in his office and by touching a button have absolute control of the floodwaters of that watershed in Pennsylvania. In other words, when a flood starts or is threatened in the upper sections of the State he opens his wickets. The water does not flow over the dam at all; not a drop goes over, so perfect is the control he has over a mile and a half of dam; but he opens the gates and the water flows into lower portions of the river and basins ready to receive it. If we would do the same things on the tributary streams of the Mississippi River we would not have recurring harrowing stories we read every year of the Mississippi River, with the bottom of the river higher than the surrounding land, breaking dikes and spreading desolation and ruin over that great valley.

No such thing could occur if we would take the money we are going to put into these other schemes and arrest the water of the tributary streams, which would be a complete and definite control of all the waters. That can be seen and the Members will agree with me when they look at this Safe Harbor Dam. They have put that into operation and are even able to control the ice that comes down the river, as well as all kinds of debris. It is the



most complete example of flood-water control the world has seen; yet we go on with these other doubtful schemes and pass by something that would save an untold number of lives and billions of dollars of property and terror those floods cause in the Mississippi Valley.

Do what I have suggested with every tributary and that will be the end of floods in the Mississippi Valley.

(Here the gavel fell.)

Mr. MANSFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I want to compliment the gentleman from Pennsylvania [Mr. Focht] on his observations just made.

I hope that the Flood Control Committee of this House at the present session of Congress will at least provide for a survey so that we may construct some dams out there to hold back these flood waters. If they do that, we will not have the situation in the Mississippi Valley that we had this spring.

Mr. FULLER. Mr. Chairman, I am very vitally interested in the pending amendment. I am not opposed to this bill, and, to be frank, I may say that I am going to support it whether this amendment is adopted or not. I think it is of very great importance that this bill or something very similar be adopted so far as the Mississippi Valley is concerned. We have recently read in the newspapers about floods here and there in the East, but they were just baby floods in comparison to the floods that occur down there in the Mississippi Valley.

Mr. Chairman, this bill does not affect my district very much because I am located up in the mountains; however, the White River does run through eight counties in my district. I am principally interested in reservoirs which will be constructed for a dual purpose—flood control and electric power—as provided in this amendment. The Arkansas and White Rivers are two of the biggest rivers in that country and have never received any substantial aid from the Government. Congressmen from my own district and from all over the State of Arkansas have been voting from time immemorial for harbor improvements and flood control all over the country, and have never complained. Now, when there is an opportunity to do something for the Mississippi Valley, I think we should have serious consideration.

Some statements have been made about this bill being so sacred that it should not be amended simply because it is reported by the Flood Control Committee. Of course, this bill never came from the House Flood Control Committee. It was created and born in the Senate and, as a matter of fact, is known as Senator OVERTON's bill. It is true that the House committee in some sort of form has approved it.

Mr. Chairman, may I say also that this same House committee submitted a bill last year which included these 26 reservoirs that we are seeking to have included in this bill. That bill went over to the Senate, and there it is sleeping. The same power that has brought this bill in here, the same power that is seeking to keep us from amending it is the power that keeps us from getting what we should have.

The pending amendment states that at such time as the engineers deem proper there may be constructed 26 reservoirs of such character that they may be used for electric purposes. In my district alone there is provision for three of them, namely, Wildcat Shoal, Lone Rock, and Norfolk. White River near Cotter is the greatest site for the generation of electric power between the Allegheny Mountains and the Rocky Mountains. The engineers say they can produce electric power there for 8 mills per kilowatt and that there is capacity for 260,000,000 kilowatts each day.

It is important to the people generally that this amendment should be accepted. For many long years the White River Power Co., a New York concern, has had an option or lease upon which is known as the Wildcat Shoals on White River. That option has expired, and they have made application to the Power Commission to have it extended. I fear it will be extended unless saved to the Federal Government.

(Here the gavel fell.)

Mr. FULLER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FULLER. Mr. Chairman, the statement is made that the President will veto this bill if it includes the amendment which has just been offered, but no one has any authority to make such a statement.

If the Government does not build these dams which can serve a useful purpose by providing cheap electricity as well as flood control, the utility companies are going to grab them up. This is an absolute cinch and certainty. They are the most valuable properties in this country today, and the utilities have been trying to get them, and there have been hearings held about it. If you do not provide for the building of these dams in this bill, the Power Trust will build them, and with this power they will continue to charge their outrageous and exorbitant prices.

We have voted for your people in California, Washington, Oregon, and the West, and for the Tennessee Valley, as well as over the entire country for similar projects as sought in this amendment. We have helped you to build dams and reservoirs in Ohio so that you would not have any more trouble by reason of such floods, and we now ask you to help us out in this instance.

The engineers have declared themselves in favor of these dams in their reports. They have said that these 26 projects are the most valuable in our country, and at the same time it will be economical from a flood-control viewpoint.

If you only authorize the use of this money as provided in the bill, what will it mean? It will mean that next year or 5 years from now they will come back and ask for more money because some levee has fallen or the river has changed its course; and it is just a matter of continually taking money out of the Federal Treasury for the prevention of the overflow of these great streams, while it is an absolute cinch and certainty that by building these reservoirs you insure flood control, practice economy, and at the same time preserve the power sites for the people.

I hope you will consider the pending amendment seriously and adopt it and let the bill go to conference. The reservoirs were in the bill passed last year and these gentlemen now opposing then favored it. Why fight it now? Simply because they contend this bill is sacred, because it was given to them by the Senate, and they want to pass it exactly like it is, irrespective of the views they have held in the past and irrespective of the wishes of the Members of this House. [Applause.]

(Here the gavel fell.)

Mr. WILSON of Louisiana. Mr. Chairman, I think it is somewhat unfair to the committee and to myself as chairman of the committee to advance the argument that those who oppose the adding of reservoirs in the White and Arkansas Rivers to this particular bill are opposed to these reservoirs which have very great value for many reasons. I sponsored and reported out the bill that carried those projects. I endeavored to secure the passage of that bill after surveys and examinations by the Corps of Engineers, and if the War Department and the Corps of Engineers would approve including them in this bill and if they would eliminate the expenditure of the \$103,000,000 for the Eudora floodway, it would be a different matter. However, that is impossible, and rather than see any amendment to this bill that would bring about an unfavorable report from the War Department and cause it to fail of passage, we must oppose the amendment, because it would destroy the opportunity we now have for carrying out the greatest engineering project ever undertaken in America. However, I am in favor of carrying them out by general legislation.

So, Mr. Chairman, I do not want the Members of the Committee to understand that those who are asking for this bill to be passed, after all this work, are not endeavoring in every way to use reservoirs, if they would avoid the necessity for floodways or if they would not receive an unfavorable report from the War Department. The Chief of Engineers in his letter to me has stated that these reservoirs would be factors of safety, but would not eliminate the necessity for the floodways.

Mr. TERRY. Mr. Chairman, will the gentleman yield for a brief remark?



Mr. WILSON of Louisiana. Yes.

Mr. TERRY. I call the gentleman's attention to page 660 of the hearings before the House Flood Control Committee last year, in which General Ferguson, president of the Mississippi River Commission, makes this statement:

These Arkansas and White River Reservoirs, with some modification of the present levees, and with some allowance for future increase in discharging capacity of the river, would obviate the necessity of the Eudora floodway for protection against a flood of the same origin and magnitude as that of 1927.

Mr. WILSON of Louisiana. And I may quote General Ferguson relative to a statement he made with regard to an article appearing in the press:

No statement made by me to newspapers was intended to infer that my views on the need of the Eudora floodway have been changed from those given before the Flood Control Committee in 1935.

He then said the Eudora spillway was necessary. I may also refer to the statement made by General Ferguson before the committee to the effect that he had great hopes for a continued shortening of the channel of the Mississippi, which has been done under a resolution which I favored and which was approved by the Chief of Engineers, but they say that whatever is done under that provision, the reservoirs will not avoid the necessity for the floodways, and if you added the \$126,000,000 to the bill you would still need the floodways, and, furthermore, I do not believe you could get the approval of the War Department.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. NICHOLS. I do not think the sponsors of this amendment are against the Eudora floodway. We are willing to go along and support that legislation.

Mr. WILSON of Louisiana. Can you secure approval of the legislation with \$126,000,000 added to the bill?

Mr. NICHOLS. Absolutely.

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Chairman, I yield to no man in my advocacy of conservation of our natural resources. I want to see the resources along the Arkansas and the White Rivers developed for power and flood control.

When the Tennessee Valley Act was under consideration I did not oppose that legislation because the Mississippi River was not included in it. I did not ask that it be amended to include the Mississippi River.

I favor a policy of national flood control. For years, in season and out of season, as a member of the Committee on Flood Control, I have promoted such a policy.

Let me remind you that the omnibus bill we passed last session, which I supported, included 13 reservoirs each for the Arkansas and White Rivers. It has been amended in the Senate so as to provide for a flood-control policy and for the prevention of soil erosion.

There have been no hearings before the Flood Control Committee respecting the White River for power development. A reservoir for flood control is useless, according to the Engineers, for power development, because the reservoir must be empty for flood control and must have water for power development. Reservoirs for both flood control and power development are much more expensive than flood-control reservoirs.

Now, just a word about this amendment.

If the 26 reservoirs in the amendment are adopted, it means that on tributaries that have made no contribution toward flood-control works along the Mississippi River the local interests will make no contribution whatever.

It has been asserted that Gen. H. B. Ferguson, President of the Mississippi River Commission, maintained that the bend cut-offs and the 26 reservoirs along the Arkansas and the White would eliminate the necessity for the Eudora diversion. The wish is father to the thought by those who make such a statement. General Ferguson, as shown by pages 75 and 76 of the hearings before the Senate Commerce Committee on the pending bill, emphatically stated that the 26 reservoirs and the bend cut-offs would not eliminate the Eudora diversion. I quote his language in response

to a question by Senator OVERTON as to whether there was any reasonable probability that the cut-offs and 26 reservoirs would render a substantial diversion in the middle section unnecessary:

Brigadier General FERGUSON. Our figures now indicate that a flood such as occurred in 1927 would have to have water diverted somewhere below the mouth of the Arkansas.

It is well to keep in mind that the Chief of Engineers repeatedly stated in the hearings that the effects of cut-offs were problematical. The gentleman from Kansas [Mr. CARLSON] stated that the cut-offs had reduced the distance from the mouth of the Arkansas to the mouth of the Red River by some 100 miles. All of the cut-offs are between the levees. The levees are on an average of 25 feet in height in the area mentioned. Cut-offs are across bends; they reduce the low-water length; but in floods the waters are confined between the levees. There is thus substantially no reduction of river length when the floods are within a few feet of the top of the levees.

Fortunately there have been no major floods since the cut-offs were begun some 4 years ago. I think they are beneficial, but General Ferguson and the Chief of Engineers time after time stated that they should not be substituted for the diversion. They are additional factors of safety.

The gentleman from Arkansas [Mr. MILLER] repeatedly referred to Documents 2 and 3, House Flood Control Committee, Seventy-fourth Congress, first session. After stating that the 26 reservoirs along the Arkansas and White would be additional factors of safety in the alluvial valley of the lower Mississippi River, General Markham concluded said Document 2 by saying—and I quote his words:

But these reservoirs cannot be relied on to prevent a flood which would overtop the levees unless a relief outlet is provided.

Again I quote General Markham from said Document 3:

The report indicates, therefore, that the costly system of reservoirs under study would not abrogate the necessity for fuse-plug levees or similar works and diversions from the main channel of the Mississippi River to afford assured protection against extreme floods.

The minority members of the committee, in their minority report, quote General Ferguson as saying that bend cutting has reduced floods that have occurred 2½ feet. I have already referred to the testimony of General Ferguson before the Commerce Committee. I quote from pages 75 and 76:

Senator OVERTON. They [cut-offs and 26 reservoirs along the Arkansas and White] would not dispense with the necessity of having the Eudora floodway for the escape of waters from the Mississippi River?

Brigadier General FERGUSON. You would require a floodway.

The answer to the contention that cut-offs and reservoirs, or either of them, would eliminate the necessity for the Eudora diversion is found in the documents transmitted by the Chief of Engineers, Major General Markham, and by the president of the Mississippi River Commission, General Ferguson. They both state in their reports in House Document 1, Seventy-fourth Congress, first session, that they recommend the Eudora floodway. This is a sufficient answer to the contentions advanced in the minority report.

I may also say in this connection that the quotation in the minority report from General Markham in criticism of the pending bill was before the Senate amended the bill as recommended by the Chief of Engineers. The Chief of Engineers took the position that the local interests should be required to furnish the rights-of-way for reasonable compensation; he objected to condemnation authority. The Senate amended the bill to meet his views. The quotation by the minority in their minority report has no place; it was directed to a provision that has been eliminated from the bill.

It is amusing to see the minority quote the President in their minority report. The administration has a plan. The problem is being attacked by perfecting the omnibus flood-control bill that passed the House and is now pending in the Senate, and by the passage of the pending bill for the lower Mississippi River.

The minority, in quoting from President Roosevelt, evidently anticipated that he would ask that the problem of



formulating a policy of flood control be continued. The policy of the minority is to delay. The responsible spokesmen for the administration are in control of the Senate and House. The Chief of Engineers speaks for the President. The administration has indicated that it is satisfied with the Overton bill and amendments have been submitted by the Chief of Engineers in line with the views of the administration in the omnibus flood-control bill.

Moreover, and I quote from the language of the President copied by the minority in their report:

It is not suggested that we neglect our main streams.

What stream is more of a main stream than the lower Mississippi River? The President had in mind, evidently, the lower Mississippi River when he stated we should not neglect the main streams and give our whole attention to minor waters.

None have objected to any of the provisions in the pending bill. They merely ask that the provisions of the bill be expanded so as to provide for other streams and other rivers.

In all public works there must be factors of safety. The lower Mississippi Valley had a flood that almost overtopped the levees in 1928 following the flood of 1927. There was another maximum flood in 1929. From the days of De Soto on down maximum floods in the lower Mississippi Valley have occurred on an average of every 15 years. It has been 9 years since the last flood. The 26 reservoirs will be the equivalent of a diversion of from 330,000 to 360,000 cubic feet at Arkansas City. It will eliminate levee heights to the extent of  $4\frac{1}{2}$  feet but, according to the testimony of all engineers, it would have taken a levee 9 feet higher than the existing levee, with an additional 3-foot freeboard, or 12 feet, to have contained the flood of 1927. The Chief of Engineers says that even if the reservoirs were constructed a floodway would be imperative. There would be an additional  $4\frac{1}{2}$  to  $7\frac{1}{2}$  feet to be provided for.

Again the Chief of Engineers opposes the construction of the reservoirs for flood control in the lower Mississippi Valley, and he states very emphatically that the costs of reservoirs to provide for the necessary diversion are a billion and a quarter dollars. Equivalent relief by a floodway at Eudora can be provided at a cost of \$103,000,000. Only from twenty-five million to thirty million dollars of this amount will be paid for damages to lands, highways, and other property. The remainder of the \$103,000,000 will be expended in constructing diversion works and guide levees.

The flood of 1927 came out of the Arkansas and White Rivers. Floods in the lower Mississippi Valley usually come from the Ohio River. In the event the floods came from the Ohio, the Missouri, or the upper Mississippi River reservoirs along the Arkansas and White would be of no benefit. This is another reason the Chief of Engineers insists upon the Eudora diversion.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes, which are left, as I understand it, of the time allotted.

The CHAIRMAN. Without objection, the gentleman from Mississippi is recognized.

Mr. RICH. Mr. Chairman, I am entitled to 5 minutes, and I yield to the gentleman.

Mr. FLETCHER. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. FLETCHER. Are any of these reservoirs included in the Muskingum-Scioto-Ohio Valley project?

Mr. WHITTINGTON. They were not included in the pending Mississippi River bill. I do not know whether they have today been included in the Senate or not in the omnibus bill. If they have not been included, I should personally like to see them included.

Mr. FORD of California. Will not the whole Mississippi Valley, so far as power is concerned, be taken up in the Norris proposition for the T. V. A.?

Mr. WHITTINGTON. I should think so. I want to see the power development on the White as fast as there is demand.

Mr. DISNEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I shall yield in a moment.

Mr. DISNEY. But the gentleman keeps saying that, and yet he does not yield.

Mr. WHITTINGTON. I will not yield to the gentleman if he interrupts in such a manner without permission. Mr. Chairman, the 26 reservoirs on the Arkansas and White Rivers, if they are constructed, will provide for about 330,000 to 360,000 second cubic feet. The Chief of Engineers says that you have to divert 1,000,000 cubic feet in order to protect the lower valley. If we add these 26 reservoirs for flood control, he tells us that we would still have to construct the Eudora floodway, because if you added the 26 reservoirs you would still have 650,000 cubic feet down there to provide for, and the Chief of Engineers stated that it will take 157 reservoirs to give the equivalent of the 1,000,000 second-feet diverted by the Eudora floodway, costing one hundred and three million, whereas the 157 reservoirs would cost a billion and one-quarter dollars. I would like to see them all constructed. They will come some day. It may be 25 years or 50 years. When they do come every foot of land used for this diversion down there can be utilized. It will be necessary only to remove the guide levees, but in the meantime the purpose of this legislation, recommended by the Chief of Engineers, is to provide for navigation and flood control in the lower valley.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. NICHOLS. Will not the gentleman admit and agree with me that the addition of these 26 dams to the construction of the Eudora floodway would be of great material assistance to relieve floods in the lower Mississippi.

Mr. WHITTINGTON. I have stated in season and out of season that personally I would like those 26 reservoirs constructed as additional factors of safety, but the Chief of Engineers, the spokesman for the President, says substantially that in the upper stretches of the Arkansas and White Rivers they have paid nothing for flood control along the Mississippi River, that the case is different from the St. Francis, and he says that he cannot and will not support this bill or approve it if they are inserted, because it means \$127,000,000 additional to the Federal Treasury. I yield now to the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. Does what some department says determine the policy for the Congress?

Mr. WHITTINGTON. I might answer the gentleman by saying that the Chief of Engineers is impartial, and represents Congress and the country. I have already said the best way to promote flood control on the gentleman's and on all rivers is to eliminate inadequate and unworthy projects. I represent a district where there are rivers and streams that are not included in the pending bill. I would like to have them included as well as the White and the Arkansas, but I do not believe they ought to be included on the same basis as the rivers in the Mississippi or alluvial valley.

Mr. NICHOLS. The gentleman does not say that ours are inadequate.

Mr. WHITTINGTON. I do not. They were in the omnibus bill when it passed the House, and I voted for the bill.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. All time has expired. The question is on agreeing to the amendment.

Mr. WILSON of Louisiana. Mr. Chairman, I move that the Committee do now rise.

Mr. MILLER. O Mr. Chairman, we had an agreement that we would vote on this amendment tonight. That was the agreement.

Mr. RICH. That was the understanding.

Mr. NICHOLS. I demand a vote upon the amendment.

Mr. WILSON of Louisiana. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Louisiana that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. DRIVER) there were—ayes 22, noes 66.

So the motion was rejected.



Mr. NICHOLS. Mr. Chairman, I demand a vote on the amendment.

Mr. WHITTINGTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eight Members present, a quorum.

Mr. MILLER. Mr. Chairman, I ask for a vote upon the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the Miller amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. MILLER].

The question was taken; and on a division (demanded by Mr. DRIVER) there were ayes 78 and noes 36.

So the amendment was agreed to.

Mr. LAMNECK. Mr. Chairman, I understood this was the last order of business for the day. I would like to offer an amendment to be considered tomorrow and have it printed in the RECORD, so that it will be available to the membership.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The amendment is as follows:

Amendment offered by Mr. LAMNECK: Page 2, line 7, after the word "Engineers", add the following: "Provided, That the Chief of Engineers, under the supervision of the Secretary of War, shall, at the expense of the United States Government, construct a system of levees and reservoirs to adequately control the floodwaters of the Scioto, Olentangy, and Sandusky River Valleys in Ohio: And provided further, There is hereby appropriated the sum of \$40,000,000 for the carrying out of the above project."

The Clerk read as follows:

Sec. 2. That the Boeuf floodway, authorized by the provisions adopted in the Flood Control Act of May 15, 1928, shall be abandoned as soon as the Eudora floodway, provided for in Flood Control Committee Document No. 1, Seventy-fourth Congress, first session, is in operative condition and the back-protection levee recommended in said document, extending north from the head of the Eudora floodway, shall have been constructed.

Sec. 3. That the levees along the Mississippi River from the head of the Morganza floodway to the head of the Atchafalaya River and down the east bank of the Atchafalaya River to intersection with the west protection levee of said Morganza floodway shall be raised and enlarged to 1928 grade and section.

Mr. RICH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RICH. I understood the gentleman from Louisiana [Mr. WILSON] made the statement that after we had the vote on the amendment offered by the gentleman from Arkansas the Committee would rise. Is that the understanding?

Mr. WILSON of Louisiana. No. I did not make that statement.

The CHAIRMAN. The Chair had no part in any agreement.

Mr. MARTIN of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLANNAGAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill S. 3531, directed him to report that it had come to no resolution thereon.

#### ROBINSON-PATMAN EQUAL OPPORTUNITY IN BUSINESS BILL

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, what is the Robinson-Patman bill?

Answer. This bill was introduced in the House on June 11, 1935, and the same bill was introduced in the Senate by the Honorable JOSEPH T. ROBINSON, majority leader, June 26, 1935. It is H. R. 8442 in the House. It is S. 3154 in the

Senate. It is a bill making it unlawful for any person engaged in commerce—

First. To discriminate in price or terms of sale between purchasers of commodities of like grade and quality.

Second. To prohibit the payment of brokerage or commission under certain conditions—dummy brokerage.

Third. To suppress pseudo-advertising allowances.

Fourth. To provide a presumptive measure of damages in certain cases.

And to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys from exploitation by unfair competitors.

#### STATUS OF BILL

2. Question. What is the status of this legislation at this time?

Answer. It was unanimously reported favorably by the Senate Committee on the Judiciary February 3, 1936. It was favorably reported with amendments by the House Judiciary Committee March 31, 1936. It was called up by Senator ROBINSON in the Senate April 28, 1936, and was considered until April 30, when it was passed with amendments. When the bill was sent to the House the Speaker, at our request, permitted it to remain on the table, where it is now. The House Rules Committee the past 3 days has been considering a special rule for consideration of the bill. The Rules Committee will vote on the question tomorrow, May 22. If the rule is granted, I understand it is agreed that the bill will be taken up for House action next Tuesday, May 26. It should not take more than 1 day for House action.

3. Question. If this bill passes the House what will be the next step?

Answer. The next step will be for the Senate to select conferees and the House to select conferees to meet and iron out differences between the two bodies, as there will undoubtedly be differences between the two bills.

4. Question. If conferees of the two Houses agree on the bill, will it then become a law?

Answer. No; the report of the conferees will have to be adopted by both the Senate and the House and then the President will either have to sign it or it will become a law without his signature should he fail to veto it within 10 days.

#### MANDATE OF DEMOCRATIC PLATFORM

5. Question. Does this bill conform to a mandate in the Democratic platform?

Answer. The Democratic platform of 1932 provides:

We advocate strengthening and an impartial enforcement of the antitrust laws to prevent monopoly and unfair trade practices and revision thereof for the better protection of labor and the small producer and distributor.

There is no bill pending before Congress that is being urged that carries out this provision of the Democratic platform except the Robinson-Patman bill. This bill complies in every way with that part of the Democratic platform.

#### HOW EVILS ARE CORRECTED

6. Question. How does this bill attempt to correct the evils complained of?

Answer. By an amendment to section 2 of the Clayton Act which has been rendered ineffective by weasel provisos and exceptions which crept into the bill, the full import of which were not realized during its consideration by Congress in 1914. Our amendments will carry out the original intentions and purposes of the law.

7. Question. What specific provisions are included in this bill?

Answer. First. Advertising allowances. Large manufacturers have been coerced into giving certain large mass buyers great reductions in prices under the guise of advertising allowances. This bill will not prohibit advertising allowances but it will prohibit advertising allowances to be used as a guise for price reductions and prohibit advertising allowances that are not given proportionately to all customers. In other words, manufacturers will have a right to select their customers but when selected they must deal with them equally and fairly.

Second. Dummy brokerage. A practice has grown up whereby large mass buyers bribe representatives of the seller,



oftentimes the seller representing groups of farmers, under the guise of a brokerage allowance. It is not a brokerage allowance at all; it is a bribe. This bill will not compel the use of a broker but it will prohibit one party from bribing the representative of the other under the guise of brokerage allowances or commissions.

**Third. Quantity discounts.** The practice has grown up of manufacturers allowing large mass buyers great discounts that their competitors do not receive even for the same quality and quantity purchased under the guise of quantity discounts. This bill does not prohibit quantity discounts where they are based upon differences in cost of manufacture and distribution, but it does prohibit a manufacturer from giving a discount to one customer without giving the same discount to another customer who purchases the same quantity under the same conditions. The bill permits differentials, but prohibits discriminations.

**Fourth. Quantity limits.** Under this bill the Federal Trade Commission will be permitted to fix a quantity limit under certain conditions where so few buyers are able to purchase certain large quantities that are available to them for a lower price that are not available to others, that such a practice is calculated to promote a monopoly in any line of business. If the Federal Trade Commission finds that to be true, it may fix a quantity limit, which will mean that any one purchasing that quantity will receive the same price per quantity unit as one purchasing a number of such quantity units. In other words, it is the same theory as railroad freight rates. In 1887 the people demanded that discriminations and favoritism in freight rates be prohibited. A bill was introduced for that purpose. The privileged few immediately commenced the propaganda that such a bill if enacted into law would cause prices to increase to consumers, would place a shelter over and reward the inefficient and could not possibly be enforced. Nevertheless, the law was placed upon the statute books, and it has not increased prices to consumers, rewarded the inefficient, or become unenforceable. If one causes to be transported one carload of freight, he pays the same price per car as one who causes to be transported a trainload or any number of carloads. It was admitted by the Interstate Commerce Commission and the Supreme Court of the United States that a trainload could be transported at a cost considerably less per car than individual carloads could be transported, but the ruling fixing the carload quantity has been upheld because if a lower price is granted to those who can transport trainloads and more, this practice will operate in the interest of the large dealers and cause the businesses of the smaller dealers to be destroyed. The only reason that the Federal Trade Commission will have to fix such a quantity limit will be to prevent monopoly in any line of business. It may fix a carload, several carloads, or less than a carload as the quantity limit, depending upon the nature of the commodity, the quantities in which it is usually bought and sold, and its distribution among large and small competitors.

#### ANTI-BIASING POINT

8. Question. Does the bill contain an anti-biasing point provision?

Answer. The House bill as reported by the committee under section 5 contains a definition of price, which is really an anti-biasing point provision. The Judiciary Committee, however, met today and passed a resolution requesting the chairman to introduce an amendment on the floor striking this provision from the bill. This meets with my approval and I am sure will meet with the approval of a majority of the Members of the House; the Senate bill does not contain such a provision, therefore this question will not be in conference and such a provision cannot be reinserted by the conferees.

#### CLASSIFICATION SECTION

9. Question. What is the classification section of the bill that is so much discussed?

Answer. This is subparagraph 1 of the House bill as reported by the House Judiciary Committee. This paragraph will be removed upon motion of the chairman of the Judi-

ciary Committee, since he was instructed by the committee this morning to offer such an amendment; and undoubtedly it will prevail.

#### ESSENTIAL PROVISIONS REMAIN

10. Question. After these amendments have been adopted, what essential provisions will be contained in the bill?

Answer. What the sponsors first proposed and are now insisting upon, that is, an effective law against pseudo-advertising allowances, dummy brokerage allowances, quantity discounts in excess of differences in cost of manufacture and distribution, and authority granted to the Federal Trade Commission to fix quantity limits to prevent monopoly.

#### HOW WILL LAW BE ENFORCED

11. Question. Who will enforce this law?

Answer. Since this will be an amendment to the Clayton Act, it is backed by all of the remedies afforded by the Clayton Act:

First. By cease-and-desist order of the Federal Trade Commission, enforced if necessary by order of the Federal courts, and punishable for its disobedience.

Second. By injunction suit, prosecuted by the Attorney General.

Third. By similar suit or injunction or damages prosecuted by anyone injured by its violation.

#### WILL NOT INCREASE PRICES

12. Question. Will this law raise prices to consumers?

Answer. I know it is charged by one man, who, incidentally, receives an enormous salary and bonus from a corporate chain store, that it will increase prices to consumers \$750,000,000 a year. There is no basis for this statement, and evidently the party making it was thinking more about losing his enormous salary and bonus, if the law were enacted, than he was about the cost to consumers. The truth is that if corporate chains can save the consumers three-quarters of a billion dollars a year when they are doing only 25 percent of the retail business, the consumers of the country will be saved billions of dollars a year when the independents who do the other 75 percent of the retail business receive prices from manufacturers on the same basis as the corporate chains. This law will make competition keener, and the public always benefits from keen competition. It will not cause manufacturers to charge the corporate chains more, but it will require them to give independents and smaller chains the same price for the same quantity.

#### BROKERS AND WHOLESALERS

13. Question. Will this law build a fence around brokers and wholesalers, grant them a bonus or subsidy, or benefit them in any way?

Answer. This law will in no way shelter or protect brokers and wholesalers. It will benefit them to the extent only that they are able to render a service at equal or lower costs than anyone else. This law will not compel a broker or wholesaler to be used. Sales may be made directly from a manufacturer to the retailer or to consumers, but if brokerage or wholesale allowances are paid, they must be paid for services rendered and not used as a bribe.

#### FARMERS

14. Question. How will this law affect farmers?

Answer. Farmers will be benefited. Under existing practices, farmers selling perishable products of any kind are at the mercy of the large mass buyers. For instance, potatoes, tomatoes, and strawberries must be loaded at a certain time in refrigerator cars and be moved toward the markets. The large mass buyers, there being only a few in number, work together, and knowing that these perishable products must be sold before they deteriorate, stay out of the market until such opportune time as they are permitted to buy at their own price. This enables them to use these commodities purchased at robbery prices by almost highwayman tactics as leaders in their stores in the cities to convince their customers that they can sell at such cheap prices. The farmer pays the bill in loss of buying power. The public pays the bill because the farmer has lost that buying power and can-



not buy what other people engaged in other lines of business have for sale. If the business of independents, including brokers and wholesalers, is destroyed the destructive work and policies of a few large mass buyers will be more effective and the farmers left still more at the mercy of the mass buyers. The consumer should always have the benefit of the lowest prices consistent, however, with a fair price to the producer of the raw material, a fair wage to the wage earner who converts the raw material into the finished product, and a fair cost of distribution, including transportation. This bill is in the direction of causing keener competition and restricting the power of a few large mass buyers to control the market in any line of business.

#### ARE HEAVY INDUSTRIES OPPOSED?

15. Question. Is this bill opposed by cement, lumber, and hardware manufacturers and others in the heavy-industry lines?

Answer. They were opposed to the bill when it had the anti-basing point, but I have not heard of anyone engaged in this line of business being opposed to the main purposes of the bill as herein outlined with the antibasing point eliminated.

#### ALL MANUFACTURERS NOT GUILTY

16. Question. Are all manufacturers guilty of the practices and evils this bill is intended to correct?

Answer. No; many manufacturers, including Cream of Wheat, Kellogg's, and others, have for many years dealt fairly and equally with all their customers. Recently Standard Brands, Inc., adopted the same policy. This bill, if enacted into law, will merely compel manufacturers to treat their customers fairly.

#### NOT PRICE FIXING

17. Question. Is this a price-fixing bill?

Answer. No; it is opposed to price fixing. Because a manufacturer will be compelled to sell to all of his customers at the same price under the same conditions does not mean that his competitor across the street manufacturing the same quality of merchandise will be compelled to sell to his customers at the same price. It will merely mean that whatever price the competing manufacturer across the street sells for, he must treat his own customers fairly and sell to them at the same price basis.

#### NOT ANTICHAIN

18. Question. Is this an anti-chain-store bill?

Answer. It is only antichain insofar as it may deprive certain large corporate chains of certain privileges they are now enjoying that they are not entitled to enjoy as a matter of right and justice, and which they enjoy at the expense of their small competitors, whether chains or independents. This law will have no effect whatsoever on retail distribution.

#### SUGAR INSTITUTE CASE

19. Question. Is this law contrary to the views of the Supreme Court in the Sugar Institute case?

Answer. No; the Sugar Institute prohibited all quantity discounts whatsoever. The Supreme Court decided they should permit quantity discounts reflecting differences in cost. That is exactly what this bill permits.

#### OPPONENTS OF BILL

20. Question. Who is opposing this bill?

Answer. Naturally, those who are enjoying unfair privileges are opposed to giving them up. One large corporate chain is paying a few of its officials \$1,996,692 a year, or one-quarter of what they take in annually in special discounts and allowances. One of these officials receives, including his bonus, \$188,000 a year; another \$146,000; another \$125,000; and others \$100,000 on down. If they are placed upon the same competitive floor and are denied the right to coerce and intimidate manufacturers and are denied the right to bribe representatives of farmers and are forced to do legitimate merchandising and permit the independents who are doing 75 percent of the business to grant their customers the same low prices as the corporate chains, these large salaries of these officials will possibly be in jeopardy. People who have certain privileges become greedy. It is perfectly natural that they should. It is also natural that they have gotten used to these special privileges, rebates, and benefits

not received by others and are not going to give them up without a struggle. Our bill will force equal rights to all and special privileges to none.

21. Question. Does this bill prevent price changes by manufacturers?

Answer. No; prices may be changed as at present except prices shall not be changed for the sole and only purpose of granting a special favor or benefit to a favorite customer. A bona-fide price may be changed at any time. This right is expressly reserved in the bill.

#### DANGER OF MONOPOLY

22. Question. Is there a real danger of monopoly in certain lines of distribution?

Answer. Yes; at first, first variety stores represented the principal line of business operated by chains. Then groceries, shoes, drugs, and others have been embraced. As one line of business is taken over and the areas producing the best volume are covered, another line of business is immediately taken up for the same purpose. The Bureau of the Census discloses that in 1933 the variety chain stores in the District of Columbia were doing 96 percent of this business, chain shoe stores 60 percent, chain grocery stores 80 percent, chain drug stores 62 percent. If you limit comparisons to the areas in which corporate chains operate you will discover that they already have a monopoly in the areas producing the greatest and best volume in the cities of this country in many lines of business.

23. Question. Is it a fact that the census figures disclose that the number of independent merchants have increased during the last few years?

Answer. Yes; it is true; but these increases were all over the Nation and in areas not served by chains at all or in lines of business in which the chains were not engaged. Besides, these increases in number of units often represent small filling stations and a small stock of groceries in areas where chains do not operate.

#### RESULT IF LAW NOT PASSED

24. Question. What will be the result if this bill or a similar law is not passed?

Answer. The people of America must very quickly decide whether they want absentee ownership of business through corporate chains or whether they want local independent merchants. I believe that the interests of the consumers and this country will be served by preserving independent business which forces competition and lower prices to the consumers. If we have absentee ownership of business the public will pay and pay dearly, the profits going to the privileged few. Local communities will be destroyed, since the local reservoirs of credit will be dried up and the opportunities for young people will be very much restricted. In addition, absentee ownership and a few large mass buyers will destroy the buying power of both farmers and wage earners. The 26,000,000 people engaged in agriculture must have good prices or they cannot buy what the 36,000,000 people dependent upon manufacturing and mechanical pursuits offer for sale. If those engaged in manufacturing and mechanical pursuits and dependent upon such pursuits do not receive fair wages, they cannot purchase the services of the 11,000,000 people dependent upon transportation and communication or the 18,000,000 people dependent upon distribution.

#### PRESENT ADMINISTRATION MADE LONG STEP IN DIRECTION OF TAKING BONUS AWAY FROM COUPON CLIPPERS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, very few people, even Members of Congress, realize how far the present Democratic administration has gone in the direction of converting a billion dollars a year from banks and private individuals, holders of Government bonds, to the aged people of our Nation. Our Government now pays to holders of tax-exempt interest-bearing bonds almost a billion dollars a year in the form of interest charges.



I have been advocating a change in our monetary system that will permit our country to save this amount of annual interest each year, and in my arguments I have often stated that it would be much better for the aged people of our Nation to receive this money than for the Government to pay it in the form of a premium, bonus, or subsidy for the use of its own credit.

**BLANKET MORTGAGES ISSUED BY FEDERAL RESERVE BANKS ON PEOPLE'S PROPERTY**

The Federal Reserve banks are privately owned institutions. They are owned by private corporations, member banks. Not a penny of their stock is owned by the Government or by an individual. These banks have the power to issue Federal Reserve notes. These notes are money. They do not look like mortgages, but they are mortgages. Every note is a promise by the Government of the United States to pay the bearer a certain amount of money. This Government promise carries with it a mortgage on all the property of all the people, including their earnings. It appears idiotic for the Government to allow corporations owned by other private corporations to use the Government's credit in this way without at least some compensation in return therefor. However, these superbanking corporations have this great right and privilege to use money without paying any compensation whatsoever to the Government for the use of this great privilege. They do not even pay interest to the Government. They do not pay taxes to the Government for this great privilege. They do not pay anything to the Government or to the people in the form of compensation or remuneration for this great privilege of using mortgages on the property and earnings of all the people of this Nation. The only expense they incur by reason of issuing this money is the actual cost of printing the money, which is about 27 cents a thousand dollars. These Federal Reserve banks and other banks of the country now hold about \$16,000,000,000 of United States Government securities. These securities are tax exempt and interest bearing. Any of these bonds can be converted into new money at any time. The Federal Reserve banks may use the bonds as a basis for the issuance of currency; pay nothing for the currency except the cost of printing, and continue to get interest on the bonds that are used as a basis for the issuance of the money. Federal Reserve banks should be owned by the Government, the Government giving the member banks credit for the comparatively small investment of \$144,000,000 that they have in these institutions. When the Government takes over these institutions it should gradually but eventually cause these banks to purchase and own all outstanding Government securities. This change should not be made quickly but it should be made gradually. After it is made, however, the Government will save the interest that it is now paying for the use of its own credit.

**HOW SOCIAL SECURITY ACT AFFECTS THIS SITUATION**

Although President Franklin D. Roosevelt and his advisers have not seen fit to go as far as many of us would like to go in this direction, a long step has been made in the direction that we are going in the Federal Social Security Act that became a law August 14, 1935. In title 2 of this act an old-age reserve account is provided for. This account will increase year by year and eventually it will likely be as large as the national debt. Under this law the funds in this account must be invested in Government securities. Therefore, this account should eventually own all outstanding Government securities. Then the interest that is paid by the Government to this account will go for the purpose of providing for old-age security. It will not be paid to Federal Reserve banks, private banks, individuals, or corporations holding Government securities as it is paid to them at this time, but it will be paid into this account which will go to the benefit of the aged people of this country.

Therefore, a great long step has been made by President Roosevelt in the direction of taking an annual bonus away from Government coupon clippers and giving it to the aged people of our country who have contributed so greatly to the building of our country in time of peace and in saving our country in time of war and for whose benefit the wealth

of this great Nation should be generously used. This is not pleasing to the American Liberty (Bond) League.

**SECRETARY MORGENTHAU'S STATEMENT BEFORE COMMITTEE**

Secretary Morgenthau appeared before the Committee on Ways and Means of the House of Representatives in support of the economic security bill. I quote the following as an excerpt from his statement before that committee:

Under our proposal, the Federal Government would guarantee an investment return of 3 percent on all receipts from the pay-roll and earnings taxes that were not currently disbursed in benefit payments. Such sums would be used progressively to replace the outstanding public debt with the new liability incurred by the Federal Government for old-age annuities. To the extent that the receipts from the old-age annuity taxes are used to buy out present and future holders of Government obligations, that part of the tax revenues that is now paid out to private bondholders will be available for old-age annuity benefits; thereby minimizing the net additional burdens upon the future.

**SOCIAL SECURITY ACT, SOUNDLY CONCEIVED, BEGINS TO WORK—LET US BUILD IT UP**

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

**DO YOU WANT A PLAN IN THE AIR OR SOCIAL SECURITY?**

Mr. MAVERICK. Mr. Speaker, social security for those who need it, and work for those who can, is what the American people want—and not just a name attached to a word like "plan." The United States Government with its States, backed by the people of the United States, can certainly do more than any individual, whatever his name may be—Smith, Jones, or Townsend.

Revelations have been made recently quite depressing to old people who have been contributing heavily with the idea that some plan will bring back \$200 a month.

**YOU CANNOT EAT THE FRONT PAGE**

Little has been said in the newspapers about the Social Security Act which was enacted last year, and which is getting under way, paying out millions in money and already beginning to be a success.

The Townsend plan may make the front page, but you cannot eat the front page—the Social Security Act is already delivering the goods.

I have always favored pensions and social security, but I want to make sure that the people really get this security. Aside from the fact that the Townsend plan is not a plan, it only applies to old people and does not apply to the citizenship of America at large like the Social Security Act. It is not my purpose to abuse Dr. Townsend, although I have heard him talk in the vaguest terms. Although he admitted getting money, he seemed to have no comprehension of how twenty-eight or more billions could be raised each year to pay out.

No single man or group of men, or any organization, however much they hope for certain things, can get around ordinary business principles. The Social Security Board, without rushing to the front pages, without beating any drums, is working on a businesslike basis through your own Government, the United States of America, and with our several States.

In my own State of Texas, for instance, a million dollars has already been put in the treasury by the Board. The same thing is true of many other States. This will continue.

**A \$30 BIRD IN HAND WORTH \$200 BIRD IN BUSH**

In 32 States 600,000 old people are receiving pensions running up to \$30 a month, which is better than an old person subscribing money out for a mere hope and getting nothing. A \$30 bird in the hand that you can eat is worth far more than a \$200 bird in the bush that you cannot even catch.

Besides these 600,000 old people, some 150,000 dependent children in 18 different States are receiving monthly cash payments which support them at home. These payments keep children out of orphan asylums, off freight cars, out of sickness, death, thievery, and crime. Why are they getting help? Because the Social Security Act puts up a dollar for every \$2 spent by the State.



Blind persons to the extent of 20,000 are already receiving aid in 17 States.

#### OLD PEOPLE WANT YOUNG TO PARTICIPATE

At this point let me repeat that the Social Security Act applies to the entire citizenship of the American people and is based on sound economics and workable methods, while the Townsend plan only applies to old people and is based on rushing out the paper money. It seems to me that a well-organized act is the only solution from a viewpoint of common sense, and is also more unselfish. Certainly the old people prefer that young people, others who are blind, crippled, or sick shall likewise receive a square deal.

This problem of old people affects us all, and none of us can keep from getting old or from dying. I have a lot of statistics in mind, but roughly speaking the proportion of old people is increasing very rapidly for the reason that families get smaller and smaller and the pioneer age has passed. And the point is we must approach this problem safely—and with accuracy and intelligence.

Dr. Townsend says that his plan ought eventually to include people down to 50 and 55 years. I wonder why, if we can bring prosperity that way, we could not drop to 40, then 30, and then have one big money machine and there would be no use of having any production of any kind—except paper money.

#### TWENTY-EIGHT BILLION DOLLARS EXTRA A YEAR WOULD BANKRUPT COUNTRY

Of course, I have said before that it would bankrupt the country to issue \$28,000,000,000 in extra currency a year, and after more serious research and conversation with all classes of informed persons I find this to be true. Even should the country not go bankrupt, the purchasing power of the \$200 would probably not be over \$30. Therefore it seems to me that the reasonable thing is to provide for payments and assistance which we are sure to get.

#### SECURITY NECESSARY FOR CIVILIZED SOCIETY

Let me now discuss the Social Security Act itself. It is a long-range plan and is as necessary to business and industry as it is to the individual citizen. Should the unemployment of the depression cease, or relief become unnecessary, the social security program would be absolutely necessary if we are to have a civilized society.

#### OUTLINE OF SOCIAL SECURITY ACT

The Social Security Act has the following groupings:

Unemployment compensation (State and Federal).

Old-age assistance and old-age benefits:

1. Assistance—State and Federal.
2. Benefits—Federal only.

Security for children:

1. Grants to States to assist in meeting the costs of aid to dependent children (mothers' aid).
2. Grants to States to assist in meeting the costs of maternal and child-health services.
3. Grants to States to assist in meeting the costs of child-welfare services.
4. Grants to States to assist in meeting the costs of services for crippled children.

Aid to the blind.

Extension of public-health services.

Vocational rehabilitation.

The methods of financing these programs are widely misunderstood. In the majority of security projects the Federal Government offers to share the expense of a welfare program if the State will set up a system of its own. This method of encouraging State action has proved its success in other fields. It combines the efficiency of local administration with the unity of a national program.

Every State in the Union has registered its approval of the plan by agreeing to cooperate in one or another of the Federal-State welfare programs.

#### HEADED BY GOVERNOR WINANT, REPUBLICAN

The plan is proceeding satisfactorily under the leadership of John G. Winant, formerly Governor of New Hampshire, a Republican, and one of the brightest and ablest men in the Nation. Associated with him are Arthur J. Altmeyer, who

had 14 years' experience in social legislation as chief statistician and secretary of the Wisconsin Industrial Commission, and was Assistant Secretary of Labor at the time of his appointment, and Vincent M. Miles, lawyer and ex-department commander of the American Legion in the State of Arkansas. The act requires that no more than two out of three board members shall be from the same political party. I say this to show that this work is to be nonpartisan. Except for certain experts and attorneys, the administration of the act requires civil service in all its appointments. From the start, politics is eliminated.

Let me discuss what is sought to be done.

First, concerning unemployment, which is connected with all the other problems: There are at least 10,000,000 without jobs. Also there are others forced out of jobs now and again, and among employed persons many become unemployed by accidents and disease. In the year 1933, 55,000 workers were permanently injured by industrial accidents and 14,000 killed. In the same period of time the death rate from other causes was and is higher than in any other civilized country in the world.

These conditions have put what the authorities recognize as some 20,000,000 people on Government relief. I believe the figure of those destitute, unemployed, or suffering a low standard of living will likely prove nearer thirty or forty million. But there are millions enough, and there is no use arguing the number of millions. It is important, however, to know that among those on relief something like 40 percent are children under 16.

All of this is bound up in the general matter of unemployment and the general necessity for social security.

#### UNEMPLOYMENT COMPENSATION BEGINS TO OPERATE

State unemployment compensation laws do not authorize immediate payments, but the number of persons already protected by them for the future exceeds 7,000,000, almost 40 percent of the total number who would be eligible if all States had enacted laws. This is due to the fact that such highly industrial States as New York and Massachusetts are among those which have already passed such legislation. Others are contemplating action now.

#### STATES COOPERATE IN FINANCING

Unemployment compensation benefits, as we know, are to be paid out of funds established by State laws. In States with approved laws employers can credit the amount of their contributions to State unemployment compensation funds against 90 percent of a Federal tax on pay rolls. Additional Federal grants are made to States for the cost of administration. The result is that any State may install an unemployment compensation system without increasing either its own expenses or the taxes on its citizens.

I have seen editorials in which it was stated that States must raise enough money to pay for an unemployment compensation program or lose an equal amount of money already collected from their citizens by Federal taxes. The facts are just the opposite. The act is carefully planned so that a State can install unemployment compensation without cost to itself or its citizens.

The act lays a Federal tax of 1 percent in 1936, 2 percent in 1937, and 3 percent thereafter on certain pay rolls. Each State by requiring employers to contribute may establish an unemployment compensation fund from which benefits will be paid to the unemployed. A particular State may require that both employers and employees contribute to this fund. Employers may then credit the amount of their contributions against 90 percent of the Federal tax on pay rolls.

Under this plan, employers all over the country pay the same Federal tax so that their competitive status is unchanged, but in States with unemployment compensation programs the tax is spent at home in providing security for its citizens.

A careful study of the act itself should be made in order to understand its various ramifications. However, I have gathered some figures on public assistance which includes old age, children, blindness, and disability of various kinds; I find that tangible results have already been achieved.



SEVEN HUNDRED AND NINETY-NINE THOUSAND PEOPLE TO BENEFIT BY  
JUNE—MILLION SOON

For instance, almost 800,000 needy persons will receive cash allowances under the act before June of this year; it will not be many months before this reaches a million citizens of all ages. Among those benefited are 631,000 needy aged, 19,700 blind persons, and 147,800 dependent children. This last group is the one whose homes were in danger of being broken up because of the death or incapacity of a parent. Now, by means of small monthly payments their widowed mothers will be enabled to keep them at home, where they can obtain a normal start in life.

Thirty-nine States are cooperating with the Federal Government in at least one of these public-assistance projects. Eighteen million dollars will be spent on these programs this spring by the Federal Government alone, and State contributions will build the fund up to \$36,000,000 before it reaches the beneficiaries.

These sums are trivial compared with the appropriations for general relief, but they all go to support the unemployables—people who are in dire need of aid and unable to do any kind of work. I know of no other expenditures which will do as much good.

PUBLIC HEALTH—CRIPPLED CHILDREN—NATIONAL REHABILITATION

Health measures authorized by the Social Security Act have obtained even wider cooperation. Forty-seven States have submitted plans for an extension of their public-health services with the aid of Federal funds.

Maternal and child health in rural areas are receiving particular attention in these plans. Crippled children will also be aided, and training provided for workers who have been disabled by industrial accidents and otherwise. Often disabled men can learn some new occupation and resume their place in the normal life of the community.

OLD-AGE SECURITY PLAN DESCRIBED—PAYMENTS SHOWN

The foregoing show some general figures on the matter of public assistance. Speaking specifically of old age, the social-security program is divided into assistance and benefits. The first is money paid out by the States to the needy aged in cooperation with the Federal Government. Under the latter is established an old-age benefit system to be financed wholly by the Federal Government.

I have already quoted figures on the old-age assistance payments. They show that this assistance for the needy is substantial, is immediate—if the State cooperates—and that Federal money is being paid now, and will continue to be paid in the States which approve plans.

In contrast to this, Dr. Townsend's plan is impracticable, and no such law is likely to be enacted for years. The sensible thing is, therefore, to build up social security of all kinds and old-age assistance now.

For old-age assistance to those over 65, the Government pays half—but not in excess of \$15—and the State half. Those who are now, or by June will be, getting regular checks number 631,743; and they receive each month \$11,136,329 in the 32 States which so far have submitted and had approved their plans for old-age assistance.

RETIREMENT BENEFITS START IN 1942

Let us discuss the old-age benefit program, although the old-age protection it affords is all in the future, for no regular benefits will begin until 1942. By next year, however, payments may be made to workers who die or reach the age of 65 before earning enough money to qualify for regular benefits.

This system, you recollect, is supported by Federal payments from the general funds. These future appropriations are balanced by the collection of special pay-roll and income taxes. Elaborate records of employees' earnings must be built up to fulfill our obligations to pay benefits to workers on the basis of their wages in employments covered by the system.

Regular benefits will eventually be paid monthly to qualified workers when they reach the age of 65. The amounts will vary according to the total amount of wages which each worker received in certain employments before he was 65 and

after the end of 1936. A man who earns total wages of only \$2,000 will receive the minimum benefit of \$10 a month until his death. One who works steadily and receives \$45,000, say by earning \$1,500 a year for 30 years, will receive \$50 a month. The maximum monthly benefit will be \$85. This Federal system is not a form of relief based on the poverty of the beneficiary, but is a plan to provide for the old age of self-supporting wage earners.

CRITICISM—TOO MUCH, TOO LITTLE

Something should be said about the criticisms of the act and of the Board. They are common enough but not consistent. One set of objectors says the payments are inadequate. Others complain that the program is too expensive. To this I might say such forms of criticism somewhat offset each other. It is true the needy do not get as much as we should like them to have; on the other hand, we are spending more money than some people think is desirable.

Some groups are protesting that security programs are being installed too rapidly; others the opposite. Again we must strike a balance between speed and caution. Hastily installed systems of administration could spoil the whole effect of the law. The act yokes together three wild horses—Federal, State, and county governments. Plenty of power should come out of a team like that, but we must make very sure that the harness is sound.

On the whole it is remarkable how much of the criticism is directed at details and how little at the principles of the act. The Social Security Board is expressly authorized to propose improvements in their system. It will do so as soon as its experience in the various States warrants such action.

Mr. Speaker, let me sum up. The Social Security Act, I repeat, is not anywhere near perfect, but it is a start. It covers a large field of human life; in fact, attempts to cover the whole field of our modern industrial life, with its ups and downs of sickness, unemployment, lack of child opportunity, family break-down, and old age. No system can meet these questions, of course, but we can strive to alleviate suffering and unexpected hardships, and the Social Security Act is a measure designed to that end.

Moreover, if one studies it without prejudice, it will hold water as not only workable but absolutely necessary. The act will directly benefit the businessman against panics and slack periods. And it is not a selfish plan for one class alone but for every free-born American living under these skies.

COOPERATION OF POSTAL INSPECTORS WITH BUREAU OF INVESTIGATION, DEPARTMENT OF JUSTICE

Mr. SUMNERS of Texas. Mr. Speaker, I call up a privileged resolution (H. Res. 508) calling on the Attorney General for certain information, upon which there is an adverse report by the committee.

The Clerk read as follows:

REPORT NO. 2735. REQUESTING INFORMATION FROM THE ATTORNEY GENERAL

Mr. SUMNERS of Texas, from the Committee on the Judiciary, submitted the following adverse report (to accompany H. Res. 508):

"The Committee on the Judiciary, to whom was referred the resolution (H. Res. 508) directing the Attorney General to furnish the House of Representatives with information concerning an allegation that postal inspectors did not furnish information and did not cooperate with agents of the Bureau of Investigation, Department of Justice, in the capture of Sam Coker, an associate of Harry Campbell, alleged mail robbers, at Garrettsville, Ohio, together with copies of correspondence on the subject, after consideration, report the same adversely to the House, with the recommendation that it do not pass.

"There is attached hereto and made a part of this report a communication addressed to the chairman of the committee by the Attorney General with regard to this resolution, as follows:

"OFFICE OF THE ATTORNEY GENERAL,

"Washington, D. C., May 16, 1936.

"Hon. HATTON W. SUMNERS,

"House of Representatives, Washington, D. C.

"MY DEAR MR. CONGRESSMAN: I have your letter of May 14, in which you enclose a copy of House Resolution No. 508, which has been referred to the House Judiciary Committee, and upon which you request my views.

"Inasmuch as the subject matter of the resolution relates to co-operative action of two executive departments of the Government in their efforts to apprehend and punish law violators, any publication of information as to their methods of operation would be dis-



advantageous to their efficient functioning. Consequently I recommend with great respect that the resolution should be not passed.

"With kind regards, sincerely yours,

"STANLEY REED,  
"Acting Attorney General."

Mr. SUMNERS of Texas (interrupting the reading of the report). Mr. Speaker, I ask unanimous consent that the letter be printed in the RECORD and not read.

Mr. MARTIN of Massachusetts. Reserving the right to object, has the gentleman informed the Member who introduced this resolution that it was coming up at this time?

Mr. SUMNERS of Texas. No. It is a unanimous report from the Committee on the Judiciary. I was not in the committee when the gentleman from Missouri [Mr. SHORT] was there, but I believe he has no objection to this procedure. I think everybody agrees to it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk concluded the reading of the letter.

Mr. SUMNERS of Texas. Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

CONTESTED ELECTION—LINCOLN ROY M'CANDLESS, CONTESTANT, V. SAMUEL WILDER KING

Mr. GAVAGAN, from the Committee on Elections No. 2, submitted a report (H. Res. 521) on the election contest of Lincoln Roy McCandless, contestant, against Samuel Wilder King, contestee, which was referred to the House Calendar.

#### EXTENSION OF REMARKS

Mr. BLANTON. Mr. Speaker, I was going to prefer a request for a special order, but the majority leader does not want any more special orders today and I will conform to his desire. So I ask unanimous consent to extend my own remarks and to embrace some data illustrative of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. BLANTON]?

Mr. RICH. Reserving the right to object, Mr. Speaker, I would like to know how much data the gentleman is going to put into the RECORD?

Mr. BLANTON. It will be such data as is needed to be illustrative of my speech.

Mr. RICH. About how many pages of the RECORD will it take?

Mr. BLANTON. The data I will quote will consume only about three or four pages.

Mr. RICH. That is a good many pages.

Mr. BANKHEAD. Mr. Speaker, the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. BLANTON]?

There was no objection.

#### TEXTILES FROM JAPAN

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks and include as a part thereof a report from the Tariff Commission which shows that at last they have yielded to our request and will increase the duty on certain cotton textiles from Japan more than 40 percent in some instances. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, while this is a step in the right direction it will not be enough to take care of the situation. It does not include an increased duty on velveteens, and I must continue my battle. The report of the Tariff Commission follows:

#### COTTON CLOTH

The Tariff Commission announces that the President has approved the findings of the Commission with respect to the excess

of domestic over Japanese costs of cotton cloth, and has issued a proclamation under the provisions of section 336 of the Tariff Act of 1930 increasing the duties on bleached, printed, dyed, or colored cotton cloths containing yarns the average number of which exceeds no. 30 but does not exceed no. 50. The cloths on which duties are changed constituted about 58 percent, on the square-yard basis, of the total cotton cloths imported in 1935, and about 90 percent of the cotton cloths imported from Japan in that year.

The duties on cotton cloths in paragraph 904 of the Tariff Act of 1930 depend on the fineness of the yarn; the higher the yarn number the higher the duty. On bleached cotton cloths within the limits specified in the proclamation the duties under the 1930 act range from 23.85 percent ad valorem for 31s average yarn number to 30.5 percent for 50s; the new duties will range from 34 percent ad valorem for 31s to 43.5 percent for 50s. On printed, dyed, or colored cotton cloths within the limits specified the duties under the act of 1930 range from 26.85 percent ad valorem for 31s average yarn number to 33.50 percent ad valorem for 50s average yarn number; the new duties will range from 38 percent ad valorem for 31s average yarn number to 47.5 percent ad valorem for 50s average yarn number. The proclaimed duties represent an increase over the existing duties of about 42 percent for both bleached cloths and printed, dyed, or colored cloths. The increase in rates does not affect unbleached cloth nor cloth woven with eight or more harnesses, or with Jacquard, lappet, or swivel attachments.

The cost-of-production investigation of domestic and foreign cotton cloths was instituted by the Tariff Commission in response to a Senate resolution. The Commission selected for use as the basis of cost comparisons bleached, printed, dyed, and colored cotton cloths containing yarns, the average number of which exceeds 30 but does not exceed 50. Imports of unbleached cloths as a whole are small, and imports of bleached, printed, dyed, or colored cloths coarser or finer than the 31s-50s range consist of numerous varieties, each of which is imported in relatively small quantities from any one country. Imports within the 31s-50s range constitute nearly three-fifths of the total imports and they come principally from Japan. In its report the Commission compared costs of production of domestic cloths delivered at New York, the principal market, with costs, as evidenced by invoice prices, of similar Japanese cloths delivered at New York.

The United Kingdom supplied the bulk of the cotton cloths imported into the United States prior to 1931. Switzerland was the leading source in the period 1931-34. Late in 1934 the imports from Japan became important, and that country was the principal source of imports in 1935 and in 1936 to date. Of the total United States imports in 1935, amounting to 62,000,000 square yards, Japan supplied 36,400,000 square yards, of which 30,000,000 square yards were bleached, 6,000,000 were printed, dyed, or colored, and 57,000 unbleached. Of these 1935 imports from Japan, about 33,000,000 square yards, or over 90 percent, were within the yarn counts of 31s to 50s on which the duty has been increased. Imports from Japan in the first quarter of 1936 increased to over 21,000,000 square yards.

The imported Japanese cloths are lighter in weight than the most nearly comparable domestic goods, and they have sold at prices per yard which take into account the weight difference. Import prices, in fact, have usually been lower than domestic by more than the disparity in weight and frequently have been lower than the costs of production of the heavier domestic cloths.

The bulk of the cotton cloths imported from Japan in 1935 and the first quarter of 1936 were mulls and shirtings, mostly bleached but including some piece-dyed, finished from gray shirtings; these are competitive in a range of uses with domestic nainsooks and muslins similarly finished from gray print cloth. The main use of the Japanese mulls and shirtings is in the manufacture of nightgowns, children's underwear, and men's handkerchiefs.

Of the total United States production of countable cotton cloths, amounting to more than 7,300,000,000 square yards in 1933, print cloths and sheetings are the largest items. The shift in production of these goods from New England to the Southern States since 1921 has been very noticeable. In the case of print cloth, the Southern States had about 61 percent of the total national production in 1921 and 94 percent in 1933. In 1935 there was very little print cloth produced in New England.

Imports of countable cotton cloths from all sources were equivalent to somewhat less than 1 percent and imports from Japan to about one-half of 1 percent of the total yardage of domestic production in 1935. The competition of imports from Japan is, however, confined to part of the field only—that of print cloths, especially bleached print cloths. The ratio of total imports of shirtings from Japan to total domestic production of print cloths was about 2 percent in 1935, and the ratio of bleached shirtings from Japan to domestic production of bleached print cloths was about 13 percent.

Although the United States is the world's largest producer of cotton cloth, Japan in recent years has been the largest exporter. The United States regularly exports more cotton cloth than it imports, but in recent years its export trade has fallen sharply, the decline due in large part to the competition of cheaper fabrics from Japan. Japan's exports of cotton cloth to the United States constituted in 1935 less than 2 percent of its total exports of such cloth.

The new rates of duty will become effective on June 20, 1936.



AGREEMENT BETWEEN RAILROAD CARRIERS AND THEIR EMPLOYEES

Mr. CROSSER of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes in regard to a matter of importance to the entire membership.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CROSSER of Ohio. Mr. Speaker, with much pleasure I wish to make a statement which I am sure all Members of the House will be glad to hear.

The differences between the railroads of the United States on the one hand and the railroad employees on the other, in regard to the rights of employees in connection with proposed consolidations of terminal facilities have been adjusted. A written agreement was signed today by the representatives of the railroads and by the representatives of the railroad workers. The agreement is for a period of 5 years beginning on June 18, 1936, and does away with the necessity for the enactment of the Wheeler-Crosser bill which would restrict reductions in railroad employment, and which is now pending before congressional committees in the Senate and House of Representatives. [Applause.]

I think it proper to say that much credit is due to both the representatives of the railroad workers and to the representatives of the railroads for the rare intelligence, high sense of justice, and devotion to duty manifested by them in their efforts to reconcile their great and serious differences. In the controversy was involved the loss of the positions of possibly 200,000 men, a very serious matter, indeed, at this time. The management and men have worked out with a great deal of care an arrangement that is mutually satisfactory to management and men.

I think that we should pay tribute to the fine spirit evidenced by both parties for the satisfactory conclusion of the whole matter. When the railway labor bill was before the House for consideration, I stated that the use of the means provided in that bill for mediation in and settlement of railway labor disputes would rapidly develop a spirit of conciliation and cooperation between the workers and the management which would tend to establish good will and harmony throughout the whole industry.

The signing today of the remarkable document to which I have referred, that is, the contract between the railroad companies and their workers, fulfills in a gratifying measure the prediction to which I have referred. It is a triumph of principle over force and advances the cause of justice immeasurably.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CROSSER of Ohio. I yield.

Mr. McCORMACK. My friend the gentleman from Ohio has been very kind, and properly so, in complimenting the representatives of the employees and of the railroads, but I think that the gentleman from Ohio himself is entitled to be complimented. The gentleman has worked tirelessly on all occasions in behalf of the railroad employees. He has done so on this important question, having introduced legislation to bring about results if an agreement had not been reached. I repeat, the gentleman himself is to be complimented. [Applause.] It has been a pleasure for me to work with the gentleman from Ohio [Mr. CROSSER] on this matter, as I was on the railroad retirement legislation, and I am pleased to hear him advise the House that a settlement has been arrived at.

Mr. CROSSER of Ohio. I thank the gentleman from Massachusetts. I can only say that I have done whatever was in my power to have justice done to all parties concerned.

Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a copy of the agreement I referred to, which was signed here in Washington, D. C., today. It is very important that the Members have it.

Mr. RICH. Mr. Speaker, reserving the right to object, is this a document that should be printed in the RECORD? Should it not rather be printed in pamphlet form?

Mr. CROSSER of Ohio. The trouble is the Members will be asked for it immediately; their constituents will want to know what it contains.

Mr. RICH. I am not going to object, but we are trying to keep the RECORD down; and I am just wondering whether it is proper to print this agreement in an extension of remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The agreement referred to follows:

AGREEMENT OF MAY 1936, WASHINGTON, D. C.

This agreement is entered into between the carriers listed and defined in appendixes A, B, and C, attached hereto and made a part hereof, represented by the duly authorized joint conference committee signatory hereto, as party of the first part, and the employees of said carriers, represented by the organizations signatory hereto by their respective duly authorized executives, as party of the second part, and, so far as necessary to carry out the provisions hereof, is also to be construed as a separate agreement by and between and in behalf of each of said carriers and its employees who are now or may hereafter be represented by any of said organizations which now has (or may hereafter have during the life of this agreement) an agreement with such carrier concerning rates of pay, rules, or working conditions.

The signatories hereto, having been respectively duly authorized as aforesaid to negotiate to a conclusion certain pending issues concerning the treatment of employees who may be affected by coordination as hereinafter defined, hereby agree:

SECTION 1. That the fundamental scope and purpose of this agreement is to provide for allowances to defined employees affected by coordination as hereinafter defined, and it is the intent that the provisions of this agreement are to be restricted to those changes in employment in the railroad industry solely due to and resulting from such coordination. Therefore, the parties hereto understand and agree that fluctuations, rises and falls, and changes in volume or character of employment brought about solely by other causes are not within the contemplation of the parties hereto or covered by or intended to be covered by this agreement.

SEC. 2. (a) The term "coordination" as used herein means joint action by two or more carriers whereby they unify, consolidate, merge, or pool in whole or in part their separate railroad facilities or any of the operations or services previously performed by them through such separate facilities.

(b) The term "carrier" as used herein when it refers to other than parties to this agreement means any carrier subject to the provisions of part I of the Interstate Commerce Act; when it refers to a party to this agreement it means any company or system listed and described in appendixes A, B, or C as a single carrier party to this agreement.

(c) The term "time of coordination" as used herein includes the period following the effective date of a coordination during which changes consequent upon coordination are being made effective; as applying to a particular employee it means the date in said period when that employee is first adversely affected as a result of said coordination.

SEC. 3. (a) The provisions of this agreement shall be effective and shall be applied whenever two or more carriers parties hereto undertake a coordination; and it is understood that if a carrier or carriers parties hereto undertake a coordination with a carrier or carriers not parties hereto, such coordination will be made only upon the basis of an agreement approved by all of the carriers parties thereto and all of the organizations of employees involved (parties hereto) of all of the carriers concerned. No coordination involving classes of employees not represented by any of the organizations parties hereto shall be undertaken by the carriers parties hereto, except in accord with the provisions of this agreement or agreements arising hereunder.

(b) Each carrier listed and established as a separate carrier for the purposes of this agreement, as provided in appendixes A, B, and C, shall be regarded as a separate carrier for the purposes hereof during the life of this agreement: *Provided, however*, That in the case of any coordination involving two or more railroad carriers which also involves the Railway Express Agency, Inc., the latter company shall be treated as a separate carrier with respect to its operations on each of the railroads involved.

(c) It is definitely understood that the action of the parties hereto in listing and establishing as a single carrier any system which comprises more than one operating company is taken solely for the purposes of this agreement and shall not be construed or used by either party hereto to limit or affect the rights of the other with respect to matters not falling within the scope and terms of this agreement.

SEC. 4. Each carrier contemplating a coordination shall give at least 90 days written notice of such intended coordination by posting a notice on bulletin boards convenient to the interested employees of each such carrier and by sending registered mail notice to the representatives of such interested employees. Such notice shall contain a full and adequate statement of the proposed changes to be effected by such coordination, including an estimate of the number of employees of each class affected by the



intended changes. The date and place of a conference between representatives of all the parties interested in such intended changes for the purpose of reaching agreements with respect to the application thereto of the terms and conditions of this agreement shall be agreed upon within 10 days after the receipt of said notice, and conference shall commence within 30 days from the date of such notice.

Sec. 5. Each plan of coordination which results in the displacement of employees or rearrangement of forces shall provide for the selection of forces from the employees of all the carriers involved on bases accepted as appropriate for application in the particular case; and any assignment of employees made necessary by a coordination shall be made on the basis of an agreement between the carriers and the organizations of the employees affected, parties hereto. In the event of failure to agree the dispute may be submitted by either party for adjustment in accordance with section 13.

Sec. 6. (a) No employee of any of the carriers involved in a particular coordination who is continued in service shall, for a period not exceeding 5 years following the effective date of such coordination, be placed, as a result of such coordination, in a worse position with respect to compensation and rules governing working conditions than he occupied at the time of such coordination so long as he is unable in the normal exercise of his seniority rights under existing agreements, rules, and practices to obtain a position producing compensation equal to or exceeding the compensation of the position held by him at the time of the particular coordination, except, however, that if he fails to exercise his seniority rights to secure another available position, which does not require a change of residence, to which he is entitled under the working agreement and which carries a rate of pay and compensation exceeding those of the position which he elects to retain, he shall thereafter be treated for the purposes of this section as occupying the position which he elects to decline.

(b) The protection afforded by the foregoing paragraph shall be made effective whenever appropriate through what is hereby designated as a "displacement allowance" which shall be determined in each instance in the manner hereinafter described. Any employee entitled to such an allowance is hereinafter referred to as a displaced employee.

(c) Each displacement allowance shall be a monthly allowance determined by computing the total compensation received by the employee and his total time paid for during the last 12 months in which he performed service immediately preceding the date of his displacement (such 12 months being hereinafter referred to as the "test period") and by dividing separately the total compensation and the total time paid for by 12, thereby producing the average monthly compensation and average monthly time paid for, which shall be the minimum amounts used to guarantee the displaced employee, and if his compensation in his current position is less in any month in which he performs work than the aforesaid average compensation he shall be paid the difference, less compensation for any time lost on account of voluntary absences to the extent that he is not available for service equivalent to his average monthly time during the test period, but he shall be compensated in addition thereto at the rate of the position filled for any time worked in excess of the average monthly time paid for during the test period.

Sec. 7. (a) Any employee of any of the carriers participating in a particular coordination who is deprived of employment as a result of said coordination shall be accorded an allowance (hereinafter termed a "coordination allowance") based on length of service which (except in the case of an employee with less than 1 year of service) shall be a monthly allowance equivalent in each instance to 60 percent of the average monthly compensation of the employee in question during the last 12 months of his employment in which he earned compensation prior to the date he is first deprived of employment as a result of the coordination. This coordination allowance will be made to each eligible employee while unemployed by his home road or in the coordinated operation during a period beginning at the date he is first deprived of employment as a result of the coordination and extending in each instance for a length of time determined and limited by the following schedule:

Length of service:	Period of payment	Months
1 year and less than 2 years.....		6
2 years and less than 3 years.....		12
3 years and less than 5 years.....		18
5 years and less than 10 years.....		36
10 years and less than 15 years.....		48
15 years and over.....		60

In the case of an employee with less than 1 year of service, the total coordination allowance shall be a lump-sum payment in an amount equivalent to 60 days' pay at the straight-time daily rate of the last position held by him at the time he is deprived of employment as a result of the coordination.

(b) For the purposes of this agreement the length of service of the employee shall be determined from the date he last acquired an employment status with the employing carrier, and he shall be given credit for 1 month's service for each month in which he performed any service (in any capacity whatsoever) and 12 such months shall be credited as 1 year's service. The employment status of an employee shall not be interrupted by furlough in instances where the employee has a right to and does return to service when called. In determining length of service of an employee acting as an officer or other official representative of an

employee organization he will be given credit for performing service while so engaged on leave of absence from the service of a carrier.

(c) An employee shall be regarded as deprived of his employment and entitled to a coordination allowance in the following cases:

1. When the position which he holds on his home road is abolished as a result of coordination and he is unable to obtain by the exercise of his seniority rights another position on his home road or a position in the coordinated operation, or

2. When the position he holds on his home road is not abolished but he loses that position as a result of the exercise of seniority rights by an employee whose position is abolished as a result of said coordination, or by other employees, brought about as a proximate consequence of the coordination, and if he is unable by the exercise of his seniority rights to secure another position on his home road or a position in the coordinated operation.

(d) An employee shall not be regarded as deprived of employment in case of his resignation, death, retirement on pension or on account of age or disability in accordance with the current rules and practices applicable to employees generally, dismissal for justifiable cause in accordance with the rules, or furloughed because of reduction in forces due to seasonal requirements of the service; nor shall any employee be regarded as deprived of employment as the result of a particular coordination who is not deprived of his employment within 3 years from the effective date of said coordination.

(e) Each employee receiving a coordination allowance shall keep the employer informed of his address and the name and address of any other person by whom he may be regularly employed.

(f) The coordination allowance shall be paid to the regularly assigned incumbent of the position abolished. If the position of an employee is abolished while he is absent from service, he will be entitled to the coordination allowance when he is available for service. The employee temporarily filling said position at the time it was abolished will be given a coordination allowance on the basis of said position until the regular employee is available for service and thereafter shall revert to his previous status and will be given a coordination allowance accordingly if any is due.

(g) An employee receiving a coordination allowance shall be subject to call to return to service after being notified in accordance with the working agreement, and such employee may be required to return to the service of the employing carrier for other reasonably comparable employment for which he is physically and mentally qualified and which does not require a change in his place of residence, if his return does not infringe upon the employment rights of other employees under the working agreement.

(h) If an employee who is receiving a coordination allowance returns to service the coordination allowance shall cease while he is so reemployed and the period of time during which he is so reemployed shall be deducted from the total period for which he is entitled to receive a coordination allowance. During the time of such reemployment however he shall be entitled to protection in accordance with the provisions of section 6.

(i) If an employee who is receiving a coordination allowance obtains railroad employment (other than with his home road or in the coordinated operation) his coordination allowance shall be reduced to the extent that the sum total of his earnings in such employment and his allowance exceed the amount upon which his coordination allowance is based; provided that this shall not apply to employees with less than 1 year's service.

(j) A coordination allowance shall cease prior to the expiration of its prescribed period in the event of—

1. Failure without good cause to return to service in accordance with working agreement after being notified of position for which he is eligible and as provided in paragraphs (g) and (h).

2. Resignation.

3. Death.

4. Retirement on pension or on account of age or disability in accordance with the current rules and practices applicable to employees generally.

5. Dismissal for justifiable cause.

Sec. 8. An employee affected by a particular coordination shall not be deprived of benefits attaching to his previous employment, such as free transportation, pensions, hospitalization, relief, etc., under the same conditions and so long as such benefits continue to be accorded to other employees on his home road, in active service, or on furlough, as the case may be, to the extent that such benefits can be so maintained under present authority of law or corporate action or through future authorization which may be obtained.

Sec. 9. Any employee eligible to receive a coordination allowance under section 7 hereof may, at his option at the time of coordination, resign and (in lieu of all other benefits and protections provided in this agreement) accept in a lump sum a separation allowance determined in accordance with the following schedule:

Length of service:	Separation allowance	Months' pay
1 year and less than 2 years.....		3
2 years and less than 3 years.....		6
3 years and less than 5 years.....		9
5 years and less than 10 years.....		12
10 years and less than 15 years.....		12
15 years and over.....		12



In the case of employees with less than 1 year's service, 5 days' pay, at the rate of the position last occupied, for each month in which they performed service, will be paid as the lump sum.

(a) Length of service shall be computed as provided in section 7.

(b) One month's pay shall be computed by multiplying by 30 the daily rate of pay received by the employee in the position last occupied prior to time of coordination.

Sec. 10 (a). Any employee who is retained in the service of any carrier involved in a particular coordination (or who is later restored to service from the group of employees entitled to receive a coordination allowance) who is required to change the point of his employment as result of such coordination and is therefore required to move his place of residence, shall be reimbursed for all expenses of moving his household and other personal effects, and for the traveling expenses of himself and members of his family, including living expenses for himself and his family, and his own actual wage loss during the time necessary for such transfer, and for a reasonable time thereafter (not to exceed 2 working days), used in securing a place of residence in his new location. The exact extent of the responsibility of the carrier under this provision and the ways and means of transportation shall be agreed upon in advance between the carrier responsible and the organization of the employee affected. No claim for expenses under this section shall be allowed unless they are incurred within 3 years from the date of coordination, and the claim must be submitted within 90 days after the expenses are incurred.

(b) If any such employee is furloughed within 3 years after changing his point of employment as a result of coordination, and elects to move his place of residence back to his original point of employment, the carrier shall assume the expense of moving his household and other personal effects under the conditions imposed in paragraph (a) of this section.

(c) Except to the extent provided in paragraph (b) changes in place of residence subsequent to the initial changes caused by coordination and which grow out of the normal exercise of seniority in accordance with working agreements are not comprehended within the provisions of this section.

Sec. 11 (a). The following provisions shall apply, to the extent they are applicable in each instance, to any employee who is retained in the service of any of the carriers involved in a particular coordination (or who is later restored to such service from the group of employees entitled to receive a coordination allowance) who is required to change the point of his employment as a result of such coordination and is therefore required to move his place of residence:

1. If the employee owns his own home in the locality from which he is required to move, he shall at his option be reimbursed by his employing carrier for any loss suffered in the sale of his home for less than its fair value. In each case the fair value of the home in question shall be determined as of a date sufficiently prior to the coordination to be unaffected thereby. The employing carrier shall in each instance be afforded an opportunity to purchase the home at such fair value before it is sold by the employee to any other party.

2. If the employee is under a contract to purchase his home, the employing carrier shall protect him against loss to the extent of the fair value of any equity he may have in the home, and in addition shall relieve him from any further obligations under his contract.

3. If the employee holds an unexpired lease of a dwelling occupied by him as his home, the employing carrier shall protect him from all loss and cost in securing the cancellation of his said lease.

(b) Changes in place of residence subsequent to the initial change caused by coordination and which grow out of the normal exercise of seniority in accordance with working agreements are not comprehended within the provisions of this section.

(c) No claim for loss shall be paid under the provisions of this section which is not presented within 3 years after the effective date of the coordination.

(d) Should a controversy arise in respect to the value of the home, the loss sustained in its sale, the loss under a contract for purchase, loss and cost in securing termination of lease, or any other question in connection with these matters, it shall be decided through joint conference between the representatives of the employees and the carrier on whose line the controversy arises, and in the event they are unable to agree, the dispute may be referred by either party to a board of three competent real-estate appraisers, selected in the following manner: One to be selected by the representatives of the employees and the carrier, respectively; these two shall endeavor by agreement within 10 days after their appointment to select the third appraiser, or to select some person authorized to name the third appraiser, and in the event of failure to agree, then the Chairman of the Interstate Commerce Commission shall be requested to appoint the third appraiser. A decision of a majority of the appraisers shall be required, and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the salary of the appraiser selected by such party.

Sec. 12. If any carrier shall rearrange or adjust its forces in anticipation of a coordination, with the purpose or effect of de-

priving an employee of benefits to which he should be entitled under this agreement as an employee immediately affected by a coordination, this agreement shall apply to such an employee as of the date when he is so affected.

Sec. 13. In the event that any dispute or controversy arises (except as defined in sec. 11) in connection with a particular coordination, including an interpretation, application, or enforcement of any of the provisions of this agreement (or of the agreement entered into between the carriers and the representatives of the employees relating to said coordination as contemplated by this agreement) which is not composed by the parties thereto within 30 days after same arises, it may be referred by either party for consideration and determination to a committee which is hereby established, composed in the first instance of the signatories to this agreement. Each party to this agreement may name such persons from time to time as each party desires to serve on such committee as its representatives in substitution for such original members. Should the committee be unable to agree, it shall select a neutral referee and in the event it is unable to agree within 10 days upon the selection of said referee, then the members on either side may request the National Mediation Board to appoint a referee. The case shall again be considered by the committee and the referee, and the decision of the referee shall be final and conclusive. The salary and expenses of the referee shall be borne equally by the parties to the proceeding; all other expenses shall be paid by the party incurring them.

Sec. 14. Any carrier not initially a party to this agreement may become a party by serving notice of its desire to do so by mail upon the members of the committee established by section 13 hereof. It shall become a party as of the date of the service of such notice or upon such later date as may be specified therein.

Sec. 15. This agreement shall be effective June 18, 1936, and be in full force and effect for a period of 5 years from that date and continue in effect thereafter, with the privilege that any carrier or organization party hereto may then withdraw from the agreement after 1 year from having served notice of its intention so to withdraw: *Provided, however*, That any rights of the parties hereto or of individuals established and fixed during the term of this agreement shall continue in full force and effect, notwithstanding the expiration of the agreement or the exercise by a carrier or an organization of the right to withdraw therefrom.

This agreement shall be subject to revision by mutual agreement of the parties hereto at any time, but only after the serving of a 60 days' notice by either party upon the other.

For the participating carriers listed in appendix A:

H. A. ENOCHS.  
JNO. G. WALKER.  
WM. WHITE.

For the participating carriers listed in appendix B:

C. A. CLEMENTS.  
E. J. CONNORS.  
C. M. DUKES.

For the participating carriers listed in appendix C:

H. A. BENTON.  
W. J. JENKINS.  
J. B. FARRISH.

For the participating carriers:

H. A. ENOCHS,  
Chairman, Joint Conference Committee.

For the participating organizations of employees:

A. Johnston (by W. J. B.), grand chief engineer, Brotherhood of Locomotive Engineers; D. B. Robertson, president, Brotherhood of Locomotive Firemen and Enginemen; J. A. Phillips, president, Order of Railway Conductors of America; A. F. Whitney, president, Brotherhood of Railroad Trainmen; T. C. Cashen, president, Switchmen's Union of North America; E. J. Manion, president, Order of Railroad Telegraphers; J. G. Luhrs, president, American Train Dispatchers' Association; A. O. Wharton, president, International Association of Machinists; J. A. Franklin, president, International Brotherhood of Boilermakers, Iron Ship Builders, and Helpers of America; Ray Horn, president, International Brotherhood of Blacksmiths, Drop Forgers, and Helpers; John J. Hynes, president, Sheet Metal Workers' International Association; C. J. McGlogan, vice president, International Brotherhood of Electrical Workers; Felix H. Knight, president, Brotherhood Railway Carmen of America; J. J. McNamara, president, International Brotherhood of Firemen and Oilers; F. H. Fljozdal, president, Brotherhood of Maintenance of Way Employees; Geo. M. Hanson, president, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; A. E. Lyon, acting president, Brotherhood of Railroad Signalmen of America; M. S. Warfield, president, Order of Sleeping Car Conductors; James J. Delaney, president, National Organization Masters, Mates, and Pilots of America; Wm. L. Brown, president, National Marine Engineers' Beneficial Association.

GEO. M. HANSON,

Chairman, Railway Labor Executives' Association.  
Signed at Washington, D. C., May 21, 1936.



## APPENDIX A

## List of carriers in eastern territory parties to agreement

Carrier	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1
(1)	(2)
Ann Arbor.....	Chicago & Erie; New Jersey & New York, New York, Susquehanna & Western.
Baltimore & Ohio.....	
Bessemer & Lake Erie.....	
Boston & Maine.....	
Boston Terminal.....	
Central R. R. of New Jersey.....	
Cincinnati Union Terminal Co.....	
Chicago, Indianapolis & Louisville.....	
Chicago River & Indiana.....	
Cleveland Union Terminals Co.....	
Dayton Union.....	All leased lines.
Delaware, Lackawanna & Western.....	
Detroit & Toledo Shore Line.....	
Detroit Terminal.....	
Detroit, Toledo & Ironton.....	
Erie.....	
Indianapolis Union.....	
Indiana Harbor Belt.....	
Lehigh & Hudson River.....	
Lehigh & New England.....	
Lehigh Valley.....	Waynesburg & Washington; Baltimore & Eastern.
Long Island.....	
Maine Central.....	
Monongahela.....	
The New York Central R. R. Co.....	
New York, Chicago & St. Louis.....	
New York, New Haven & Hartford.....	
Pennsylvania.....	
Pennsylvania-Reading Seashore Lines.....	
Pere Marquette.....	Lake Erie & Eastern.
Pittsburgh & Lake Erie.....	
Portland Terminal Co.....	
Railway Express Agency, Inc.....	
Reading.....	
Rutland.....	
Staten Island Rapid Transit.....	
Washington Terminal.....	
Western Maryland.....	
Wheeling & Lake Erie.....	
	Lorain & West Virginia.

NOTE.—Agreement subject to approval of court with respect to lines in hands of receivers or trustees.

## APPENDIX B

## List of carriers in western territory parties to agreement

Carrier	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1
(1)	(2)
Alameda Belt Line.....	Gulf, Colorado & Santa Fe Ry. Co.; Panhandle & Santa Fe Ry. Co.
Alton & Southern R. R.....	
Alton R. R. Co., the.....	
Atchison, Topeka & Santa Fe Ry. Co., the.....	
Atchison Union Railway & Depot Co.....	
Baltimore & Ohio Chicago Terminal R. R. Co., the.....	
Belt Railway Co. of Chicago.....	
Burlington-Rock Island R. R. Co.....	
Carnas Prairie R. R. Co.....	
Chicago & Eastern Illinois Ry. Co.....	Quincy, Omaha & Kansas City R. R. Co.; Chicago, Terre Haute & Southeastern Ry. Co.; Chicago, Rock Island & Gulf Ry. Co.; Peoria Terminal Co.
Chicago & Illinois Midland Ry. Co.....	
Chicago & North Western Ry. Co.....	
Chicago & Western Indiana R. R. Co.....	
Chicago, Burlington & Quincy R. R. Co.....	
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.....	
Chicago, Rock Island & Pacific Ry. Co., the.....	
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.....	
Chicago Union Station Co.....	
Colorado & Southern Ry. Co.....	Iowa Railway Transfer Co. Duluth & Iron Range R. R. Co. Mineral Range R. R. Co.
Davenport, Rock Island & Northwestern Ry. Co.....	
Denver & Rio Grande Western R. R. Co., the.....	
Denver & Salt Lake Ry. Co., the.....	
Denver Union Terminal Ry. Co., the.....	
Des Moines Union Ry. Co.....	
Duluth, Missabe & Northern Ry. Co.....	
Duluth, South Shore & Atlantic Ry. Co.....	
East Portland Freight Terminal.....	
East St. Louis Junction R. R.....	Wichita Valley Ry. Co., the.
Elgin, Joliet & Eastern Ry. Co.....	
Fort Smith & Western Ry.....	
Fort Worth & Denver City Ry. Co.....	
Fort Worth Belt Ry. Co.....	
Galveston, Houston & Henderson R. R.....	
Great Northern Ry. Co.....	
Green Bay & Western R. R. Co.....	

## APPENDIX B—Continued

## List of carriers in western territory parties to agreement—Con.

Carrier	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1
(1)	(2)
Gulf Coast Lines.....	New Orleans, Texas & Mexico Ry. Co.; St. Louis, Brownsville & Mexico Ry. Co.; Beaumont, Sour Lake & Western Ry. Co.; Houston & Brazos Valley Ry. Co.; San Antonio, Uvalde & Gulf R. R. Co.; Sugar Land Ry. Co.; Rio Grande City Ry. Co.; Asherton & Gulf Ry. Co.; Asphalt Belt Ry. Co.; San Antonio Southern Ry. Co.; San Benito & Rio Grande Valley Ry. Co.; Orange & Northwestern R. R. Co.; New Iberia & Northern R. R. Co.; Iberia, St. Mary & Eastern R. R. Co.
Houston Belt & Terminal Ry. Co.....	Railway Transfer Co. of the City of Minneapolis.
International-Great Northern R. R.....	
Kansas City Terminal Ry. Co.....	
Kansas, Oklahoma & Gulf Ry. Co.....	
Lake Superior & Ishpeming R. R. Co.....	
Litchfield & Madison Ry. Co.....	
Manufacturers Ry. Co. (St. Louis).....	
Midland Valley R. R. Co.....	
Minneapolis, St. Paul & Saulte Ste. Marie Ry. Co.....	
Minneapolis & St. Louis R. R. Co., the.....	Big Fork & International Falls Ry. Co.
Minnesota Transfer Ry. Co., the.....	
Minnesota & International Ry. Co.....	
Missouri-Illinois R. R. Co.....	
Missouri-Kansas-Texas R. R. Co.....	
Missouri Pacific R. R. Co.....	
Northern Pacific Ry. Co.....	
Northern Pacific Terminal Co. of Oregon, the.....	
Northwestern Pacific R. R. Co.....	
Ogden Union Ry. & Depot Co.....	Missouri-Kansas-Texas R. R. Co. of Texas; Texas Central R. R. Co.; the Wichita Falls Ry. Co.; the Wichita Falls & Northwestern Ry. Co. of Texas; Wichita Falls & Wellington Ry. Co. of Texas; Beaver, Meade & Englewood R. R.
Oklahoma City-Ada-Atoka Ry. Co.....	
Oregon, California & Eastern Ry. Co.....	
Peoria & Pekin Union Ry. Co.....	
Port Terminal Railroad Association (Houston).....	
Pueblo Union Depot & R. R. Co., the.....	
Railway Express Agency, Inc.....	
Rock Island-Frisco Terminal Ry. Co.....	
St. Joseph Terminal R. R. Co.....	
St. Joseph Union Depot Co.....	Missouri Pacific R. R. Corporation in Nebraska; Fort Smith Suburban Ry.; Natchez & Southern Ry.; Natchez & Louisiana Ry. Transfer Co. (boat); the Chester & Mt. Vernon R. R.; Booneville, St. Louis & Southern Ry. Co.; Cairo & Thebes R. R. Co.; Marion & Eastern R. R. Co.
St. Paul Union Depot Co., the.....	
St. Louis & O'Fallon Ry. Co.....	
St. Louis-San Francisco Ry. Co.....	
St. Louis Southwestern Ry. Co.....	
Salt Lake City Union Depot & R. R. Co., the.....	
San Diego & Arizona Eastern Ry. Co.....	
Sioux City Terminal Ry. Co.....	
South Omaha Terminal Ry. Co.....	
Southern Pacific Co.-Pacific Lines.....	
Spokane, Portland & Seattle Ry. Co.....	Oregon Trunk Ry.; Oregon Electric Ry. Co.; United Railways Co.
Spokane, Couer d'Alene & Palouse Ry. Co.....	
Spokane International Ry.....	
Terminal Railroad Association of St. Louis.....	
Texas & Pacific Ry., the.....	
Texas Pacific-Missouri Pacific Terminal R. R. of New Orleans.....	
Texas & New Orleans R. R. Co.....	
Tidewater Southern Ry. Co.....	
Tulsa Union Depot Co.....	
Union Railway Co. (Memphis, Tenn.).....	



## APPENDIX B—Continued

## List of carriers in western territory parties to agreement—Con.

Carrier (1)	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1 (2)
Union Pacific R. R.	Eastern district, central district, northwestern district, southwestern district.
Union Terminal Co. (Dallas, Tex.)	
Union Terminal Ry. Co. (St. Joseph, Mo.)	
Wabash Ry. Co.	
Western Pacific R. R. Co., the	
Wichita Union Terminal Ry. Co., the	

NOTE.—Agreement subject to approval of court with respect to lines in the hands of receivers or trustees.

## APPENDIX C

## List of carriers in southeastern territory parties to agreement

Carrier (1)	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1 (2)
Central of Georgia Ry.	
Chesapeake & Ohio Ry.	
Columbus & Greenville	
Illinois Central System	
Macon, Dublin & Savannah	
Norfolk & Western Ry. Co.	
Norfolk Southern Ry. Co.	
Railway Express Agency, Inc.	
Richmond, Fredericksburg & Potomac	
Seaboard Air Lines Ry.	
Travlers & Gulf	
Virginian	

NOTE.—Agreement subject to approval of court with respect to lines in hands of receivers or trustees.

## PERRY'S VICTORY MONUMENT

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3118) to provide for the creation of the Perry's victory and international peace memorial national monument on Put in Bay, South Bass Island, in the State of Ohio, and for other purposes.

The Clerk read the title of the bill.

Mr. RICH. Mr. Speaker, reserving the right to object, can the gentleman tell us whether this has been approved by the Advisory Board?

Mr. O'CONNOR. I may explain to the gentleman that when the Consent Calendar was last considered a similar House bill was passed, and at that time the gentleman engaged in a colloquy which brought out the fact that it was approved and that there was no expense to the Federal Government involved. Through inadvertence an identical Senate bill at the Speaker's desk was not considered. It was only afterward that we found the Senate bill; and I am merely asking now to consider the Senate bill, which should have been taken up at that time.

Mr. RICH. If the Advisory Board has approved the project, I shall not object.

Mr. O'CONNOR. I so understand.

Mr. BLANTON. And an identical House bill has been passed; is that right?

Mr. O'CONNOR. Yes.

Mr. BLANTON. Then the gentleman will move to lay the House bill on the table?

Mr. O'CONNOR. The House bill is now pending in the Senate, and I will advise them of the action of the House.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to establish by proclamation the following-described Government lands, together with the Perry's Victory Memorial proper, its approaches, retaining walls, and all buildings, structures, and other property thereon, situated in Put in Bay Township, South Bass Island, Ottawa County, Lake Erie, State of Ohio, as the "Perry's Victory and International Peace Memorial National Monument", for the preservation of the historical associations connected therewith, to inculcate the lessons of interna-

tional peace by arbitration and disarmament, and for the benefit and enjoyment of the people: Commencing at the intersection of the middle line of Delaware Avenue and Chapman Avenue, in the village of Put in Bay, and running thence south 83°59' E. in the middle line of said Delaware Avenue, and the same extended 495 feet to Lake Erie; thence north 49°59' E. along said lake shore 346 feet; thence north 43°14' E. along said lake shore 212 feet; thence north 53°13' E. 400 feet along said lake shore; thence north 46°6' W. about 730 feet to Lake Erie; thence southwesterly and westerly along said lake shore to the middle line, extended, of said Chapman Avenue; thence south 1°30' W. along said middle line, and the same extended, about 520 feet to the place of beginning, and containing 14.25 acres of land and known as a part of lots nos. 1 and 2, range south of county road, and a part of lot no. 12, East Point, in South Bass Island, in the township of Put in Bay, county of Ottawa, State of Ohio.

Sec. 2. That the administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes", as amended.

Sec. 3. After the said national monument has been established as provided in section 1 hereof, the Secretary of the Interior is hereby authorized to accept donations of land, interests in land, buildings, structures, and other property as may be donated for the extension and improvement of the said national monument, and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the act of August 1, 1888, such tracts of land within the said national monument as may be necessary for the completion thereof.

Sec. 4. The members of the Perry's Victory Memorial Commission created by act of Congress March 3, 1919, having by their patriotic and active interest faithfully conserved for posterity this important historical area and objects, shall hereafter act as a board of advisers, and with such other powers as the Secretary of the Interior may direct, in the maintenance of such national monument and shall consist of the present surviving and active members of the Commission provided for in said act, namely, on the part of the United States, John A. Johnston and Hugh Rodman, and on the part of the several States: Ohio, Webster P. Huntington, Carl B. Johannsen, and A. V. Donahey; Pennsylvania, Milton W. Shreve, Thomas C. Jones, and George M. Mason; Michigan, James E. Degan; Illinois, Chesley R. Perry, William Hale Thompson, and Richard S. Folsom; Wisconsin, Charles B. Perry, A. W. Sanborn, and S. W. Randolph; New York, Charles H. Wiltse and Jacob Schifferdecker; Rhode Island, Harry E. Davis; Kentucky, Samuel M. Wilson, W. J. Moore, and Robert H. Winn: *Provided*, That as vacancies occur in the Commission on the part of the United States, they shall remain unfilled until only one Commissioner of the United States remains; thereafter there shall be only one Commissioner of the United States: *Provided further*, That as vacancies occur in the Commission on the part of the several States they shall remain unfilled until only one Commissioner from each State remains; thereafter there shall be only one Commissioner from each State. After the membership of the Commission has been reduced in accordance with the provisions of this act, vacancies shall be filled in the manner set forth in the act of March 3, 1919. The members of the Commission shall receive no compensation or expenses, except actual traveling expenses incurred in attending meetings of the Commission upon call of the Secretary of the Interior.

Sec. 5. Employees of the Perry's Victory Memorial Commission at the time of the enactment of this legislation may, in the discretion of the Secretary of the Interior, be employed by the National Park Service in the administration, protection and development of said national monument.

Sec. 6. That the provisions of the act of March 3, 1919 (40 Stat. 1322-1324), and acts supplementary thereof and amendatory thereto and all other acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## HOUR OF MEETING

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WERNER, for 1 week, on account of official business.

To Mr. MURDOCK, for 10 days, on account of official business.



## EXTENSION OF REMARKS

Mr. CROSSER of Ohio. Mr. Speaker, I have unanimous consent to extend my remarks by including the railroad agreement to which I referred. I now ask unanimous consent that I may extend my remarks in this way notwithstanding the rule of the Joint Committee on Printing which requires the obtaining of an estimate on an extension which covers more than a specified number of pages.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. RICH. Mr. Speaker, reserving the right to object—I do not want to object to anything being printed if it is absolutely necessary to have this tonight.

Mr. CROSSER of Ohio. I may say to the gentleman that the Members are very anxious to get this tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 537. An act for the relief of C. O. Meyer;

S. 920. An act for the relief of Ruth J. Barnes; and

S. 3789. An act authorizing the Secretary of Commerce to convey the Charleston Army Base Terminal to the city of Charleston, S. C.

## ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.), pursuant to the order heretofore made, the House adjourned until tomorrow, Friday, May 22, 1936, at 11 o'clock a. m.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GREENWOOD: Committee on Rules. House Resolution 520. Resolution providing for the consideration of H. R. 12120; without amendment (Rept. No. 2728). Referred to the House Calendar.

Mr. DOXEY: Committee on Agriculture. H. R. 8271. A bill to amend the act entitled "An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes", approved May 22, 1928; without amendment (Rept. No. 2729). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. House Joint Resolution 366. Joint resolution providing for the establishment of a game management supply depot and laboratory, and for other purposes; without amendment (Rept. No. 2730). Referred to the Committee of the Whole House on the state of the Union.

Mrs. NORTON: Committee on the District of Columbia. S. 3450. An act to regulate the sales of goods in the District of Columbia; with amendment (Rept. No. 2731). Referred to the Committee of the Whole House on the state of the Union.

Mr. SUMNERS of Texas: Committee on the Judiciary. S. 4038. An act to amend an act of Congress approved March 3, 1863, entitled "An act to reorganize the courts in the District of Columbia, and for other purposes"; without amendment (Rept. No. 2732). Referred to the House Calendar.

Mr. RAMSPECK: Committee on the Civil Service. S. 3160. An act to amend the law relating to residence re-

quirements of applicants for examinations before the Civil Service Commission; with amendment (Rept. No. 2733). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. Senate Joint Resolution 38. Joint resolution for the adjustment and settlement of losses sustained by the cooperative marketing associations; with amendment (Rept. No. 2734). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLENBOGEN: A bill (H. R. 12814) to provide for a census of population, occupation, and unemployment, and for other purposes; to the Committee on the Census.

By Mr. BACON: A bill (H. R. 12815) authorizing the transfer of Camp Upton Military Reservation, Long Island, N. Y., to the State of New York for forest demonstration, game conservation and management, and public-park uses; to the Committee on Military Affairs.

By Mr. COFFEE: A bill (H. R. 12816) levying a 10-percent ad-valorem duty upon articles imported from certain countries in default of interest on war debts due the United States; to the Committee on Ways and Means.

By Mr. TERRY: A bill (H. R. 12817) to establish the Arkansas Mounds National Monument of America in Lonoke County, Ark.; to the Committee on the Public Lands.

By Mr. SUMNERS of Texas: A bill (H. R. 12818) to authorize the Attorney General to provide instruction and information on the subject of crime control; to the Committee on the Judiciary.

By Mr. RYAN: Joint resolution (H. J. Res. 593) providing for the sale of postage stamps at places other than the post office or its branches, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. GUYER: Joint resolution (H. J. Res. 594) authorizing the Secretary of Agriculture to combat the grasshopper plague in the Kaw Valley in Kansas and making appropriation therefor; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULKIN: A bill (H. R. 12819) granting an increase of pension to Mary E. Pooler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12820) granting an increase of pension to Henrietta Peavey; to the Committee on Invalid Pensions.

By Mr. ELLENBOGEN: A bill (H. R. 12821) for the relief of Maj. William W. McCaw; to the Committee on Claims.

By Mr. FLETCHER: A bill (H. R. 12822) granting an increase of pension to Rosa E. McEowen; to the Committee on Invalid Pensions.

By Mr. GINGERY: A bill (H. R. 12823) for the relief of Stanley Baker; to the Committee on Claims.

By Mr. GRAY of Pennsylvania: A bill (H. R. 12824) for the relief of the Johnstown Coal & Coke Co.; to the Committee on Claims.

By Mr. MAVERICK (by request): A bill (H. R. 12825) for the relief of Sam Alexander; to the Committee on Military Affairs.

By Mr. McFARLANE: A bill (H. R. 12826) for the relief of James Wilcox; to the Committee on Naval Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10933. By Mr. BACON: Petition of 10 residents of Long Island, N. Y., urging legalization of lotteries under Federal control; to the Committee on Ways and Means.

10934. By Mr. COLDEN: Resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., on May 7,



1936, urging the establishment of a Federal housing agency and appropriation of necessary funds to enable such agency to aid local public housing agencies to develop low-rent housing programs; to the Committee on Banking and Currency.

10935. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing Senate bill 4174, authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, etc.; to the Committee on Interstate and Foreign Commerce.

10936. By Mr. HIGGINS of Massachusetts: Resolution by the board of aldermen of the city of Chelsea, Mass., opposing admission to the United States of former President Calles of the Republic of Mexico; to the Committee on Foreign Affairs.

10937. By Mr. JOHNSON of Texas: Memorial of J. Webb Howell, chairman, agricultural committee, and Hon. W. S. Barron, chairman, legislative committee, Bryan-Brazos County Chamber of Commerce, Bryan, Tex., favoring House bill 12498; to the Committee on Agriculture.

10938. By Mr. LUDLOW: Petition of the Boonville (Ind.) Press Club to Members of Congress, urging that recognition be given the work of Hon. William Fortune in connection with the George Rogers Clark Memorial by the placing of a tablet inscribed with his name and his accomplishments in this cause in the memorial building at Vincennes, Ind.; to the Committee on the Library.

10939. By Mr. LUNDEEN: Petition of the Minnesota State Conservation Commission, urging the designation of Birch Coulee State Park in Minnesota as a national cemetery; to the Committee on Public Buildings and Grounds.

10940. By Mr. PLUMLEY: Petition of Lodge No. 717, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, favoring the passage of House bill 11609; to the Committee on Interstate and Foreign Commerce.

10941. By Mr. DEROUEN: Petition of the Church of the Brethren, Roanoke, La., adopted at their 1935 annual conference, regarding war; to the Committee on Finance.

10942. By Mr. SADOWSKI: Petition of the Detroit Community Fund and board of directors of the Detroit Council of Social Agencies, suggesting a long-time relief program; to the Committee on Appropriations.

10943. Also, petition of the Detroit Housing Commission, Detroit, Mich., endorsing the Wagner bill; to the Committee on Banking and Currency.

10944. Also, petition of the Wayne County Council, Veterans of Foreign Wars, Detroit, Mich., protesting against the ruling of the Works Progress Administration perpetrated on veterans; to the Committee on Appropriations.

10945. By Mr. SCOTT: Petition of the Utopia Society of America, requesting Congress to institute an official investigation of the activities of the American Ambassador, Jefferson Caffery, for his lack of protection of the rights of American citizens in Cuba, and for his suppression of the real facts on Cuba; for his support of the bloody Fascist regime of Sergeant Batista; and demand the immediate freedom of thousands of political and social prisoners who are being held in Cuban dungeons; and demand the immediate recall of Jefferson Caffery as Ambassador to Cuba, and substitute a real representative of the American people as his successor; to the Committee on Foreign Affairs.

10946. Also, petition of the Central Labor Council of Alameda County, denouncing the action of officials of the United States Bureau of Reclamation who have required workmen to dry drill in seven silica rock tunnels located near Kenneth, Calif., thereby knowingly exposing these citizen workmen to the identical dust hazards of disease and of death that took its deadly toll in the Gauley Bridge, W. Va., tunnel; to the Committee on Agriculture.

10947. By Mr. TINKHAM: Memorial of the General Court of Massachusetts, favoring the permanency of the Civilian Conservation Corps; to the Committee on Appropriations.

10948. Also, memorial of the General Court of Massachusetts, relative to affording the privilege of entry into this

country to those persons who are being persecuted and discriminated against in Germany; to the Committee on Immigration and Naturalization.

10949. By Mr. TREADWAY: Resolutions adopted by the General Court of Massachusetts, favoring the permanency of the Civilian Conservation Corps; to the Committee on Appropriations.

10950. Also, resolutions adopted by the General Court of Massachusetts, relative to the entry into this country of certain persons from Germany; to the Committee on Immigration and Naturalization.

## HOUSE OF REPRESENTATIVES

FRIDAY, MAY 22, 1936

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful Father, invisible and yet the Eternal One, Thou art everywhere save in the hearts of Thy wicked children. Thou art in the majesty of the heavens and in the wide-spreading earth, in the beauty of the flower, in the radiance of the sun, and in the mellow light of the stars; may these challenge us to the highlands of thinking and living. Teach us to be conscious of Thy nearness, and so may we never be afraid. We pray that we may greet this new day with newness of joy. Help us to fill these hours with wise thoughts and generous deeds, and thus make human life a little stronger, sweeter, and richer. Inspire us to be brave and earnest to seize the opportunities of these passing days. In the Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 11747. An act extending the time for making the report of the Commission to study the subject of Hernando De Soto's Expedition.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 8455. An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

### MEMORIAL TO OFFICERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 439) authorizing the erection in the Department of Labor Building of a memorial to the officers of the Immigration and Naturalization Service and Immigration and Border Patrol who, while on active duty, lost their lives under heroic or tragic circumstances, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Lines 3 and 4, strike out "Director of Public Buildings and Public Parks of the National Capital" and insert "Director of the National Park Service."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

### THE DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. BLANTON. Mr. Speaker, I ask leave to proceed for 2 minutes to deny a malicious falsehood that the Washington Post printed about me this morning, stating that I am unfriendly to the President of the United States, when I am as good a friend to the President as he has in this House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.